## **EXHIBIT A**

<u> </u>	
Page 1	Page 3
	1 ALAN GELBSTEIN
UNITED STATES DISTRICT COURT	2 (Whereupon, all 86 exhibits
EASTERN DISTRICT OF NEW YORK	<ul><li>3 were previously marked by Counsel,</li></ul>
MARIO H. CAPOGROSSO,	4 Mr. Capogrosso.)
PLAINTIFF,	5 ALAN GELBSTEIN, called as a
,	6 witness, having been first duly affirmed by
-against- Case No.: 18 CV 2710 (EK) (LB)	7 a Notary Public of the State of New York,
	8 was examined and testified as follows:
ALAN GELBSTEIN, in his individual capacity, IDA TRASCHEN, in her individual capacity,	9 EXAMINATION BY
DANIELLE CALVO, in her capacity, SADIQ	10 MR. CAPOGROSSO:
TAHIR, in his individual capacity, PEC GROUP OF NY, INC., DAVID SMART, and DMV	11 Q. Please state your name for the
COMMISSIONER MARK SCHROEDER, in his	12 record.
official capacity, DEFENDANTS.	13 A. Alan Gelbstein.
X	14 Q. What is your address?
DATE: December 17, 2020 TIME: 10:16 A.M.	15 A. 1570 East 7th Street, Brooklyn,
THATE: TO:10 A.M.	16 New York 11230.
DEPOSITION of the Defendant,	17 O. Defendant Gelbstein we're here
ALAN GELBSTEIN, taken by the Plaintiff, pursuant to a Notice and to the Federal	18 today because I need to take your
Rules of Civil Procedure, held VIA ZOOM	deposition concerning the action filed
VIDEOCONFERENCE, before Jamie Newman, a Notary Public of the State of New York.	20 against you, myself and several other
rotary rabbe of the bate of riew rota.	21 defendants.
	22 THE COURT REPORTER: Wait.
	wait, you're breaking up Counsel.
	24 Counsel, you're breaking up so I
	25 can't hear you.
	cuit flour you.
Page 2	Page 4
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1 2 APPEARANCES:	1 ALAN GELBSTEIN
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1 2 APPEARANCES: 3 THE LAW FIRM OF MARIO H. CAPOGROSSO 4 PLAINTIFF PRO SE	1 ALAN GELBSTEIN 2 MR. CAPOGROSSO: Can you hear 3 me now?
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	Page 5		Page 7
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	A. I arrived late, I don't recall	2	THE COURT REPORTER: That's my
3	the time.	3	impression, but if I put it on the
4	Q. Did you arrive after my removal	1 4	screen you have to wait because I
5	on that day?	5	can't have my hands off the machine,
6	A. Yes.	6	but yeah, if that's what you want me
7	Q. What are your normal business	7	
8	•	1	to do.
	hours at the Brooklyn TVB?	8	MR. CAPOGROSSO: Well, I
9	A. Business hours I believe are	9	already forwarded all the exhibits to
10	8:30 to 4:30.	10	counsel, attorney Thompson. So,
11	Q. So, why were you late that day?	11	attorney Thompson, do you not have
12	A. I had some personal things to	12	this exhibit?
13	attend to.	13	MR. THOMPSON: I do have the
14	Q. Did you not want to be in the	14	exhibit, but I think it would be best
15	building that day for any reason?	15	if it were put on the screen so
16	A. No, sir.	16	everyone can see it.
17	Q. Now, I was removed that day on	17	MR. CAPOGROSSO: Well, it's
18	May 11, 2015 under your direction?	18	actually Exhibit 69. Exhibit 69.
19	A. I beg your pardon.	19	THE COURT REPORTER: Is that
20	MR. THOMPSON: Objection to the	20	what you would like me to put up?
21	form of the question.	21	MR. CAPOGROSSO: No, actually,
22	Q. I was removed that day from the	22	it's Exhibit 68. Exhibit 68, let's
23	Brooklyn TVB by your direction, do you	23	start with that one.
		1	i i
24	recall doing that?	24	THE COURT REPORTER: Are these
24 25	recall doing that?  MR. THOMPSON: Objection to the	24 25	THE COURT REPORTER: Are these already marked, Counsel?
	MR. THOMPSON: Objection to the		already marked, Counsel?
25	MR. THOMPSON: Objection to the	25	already marked, Counsel?
25	MR. THOMPSON: Objection to the  Page 6  ALAN GELBSTEIN	25	already marked, Counsel?  Page 8  ALAN GELBSTEIN
25 1 2	MR. THOMPSON: Objection to the  Page 6  ALAN GELBSTEIN form of the question. You can answer.	25 1 2	already marked, Counsel?  Page 8  ALAN GELBSTEIN  MR. CAPOGROSSO: It's marked as Plaintiff's Exhibit 68. Scroll down
25 1 2 3	MR. THOMPSON: Objection to the  Page 6  ALAN GELBSTEIN form of the question. You can answer. Q. Do you recall having me removed	25 1 2 3	already marked, Counsel?  Page 8  ALAN GELBSTEIN  MR. CAPOGROSSO: It's marked as Plaintiff's Exhibit 68. Scroll down to the first page.
25 1 2 3 4	MR. THOMPSON: Objection to the  Page 6  ALAN GELBSTEIN form of the question. You can answer. Q. Do you recall having me removed from the Brooklyn TVB on May 11, 2015?	1 2 3 4	already marked, Counsel?  Page 8  ALAN GELBSTEIN  MR. CAPOGROSSO: It's marked as Plaintiff's Exhibit 68. Scroll down to the first page.  (Whereupon, Plaintiff's Exhibit
25 1 2 3 4 5	MR. THOMPSON: Objection to the  Page 6  ALAN GELBSTEIN form of the question. You can answer. Q. Do you recall having me removed	25 1 2 3 4 5	already marked, Counsel?  Page 8  ALAN GELBSTEIN  MR. CAPOGROSSO: It's marked as Plaintiff's Exhibit 68. Scroll down to the first page.  (Whereupon, Plaintiff's Exhibit 68, previously marked, was
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2 (Pages 5 to 8)

		1	
	Page 9		Page 11
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	Now, that is a statement made	2	MR. THOMPSON: Objection, asked
3	by Danielle Calvo, would you agree to that?	3	and answered.
4	A. Yes.	4	Q. Did you have me removed from
5	Q. And you're saying that you did	5	the Brooklyn TVB based on that videotape,
6	not order Danielle Calvo to have me	6	did you?
7	removed?	7	A. I would have assuming that I
8	A. I may have, I I may have,	8	saw it, which I don't recall I did, it
9	yes.	9	would have been probably well after the
10	Q. So, which one is it, you had me	10	fact.
11	removed on that day?	11	Q. So, you're having me thrown out
12	A. I didn't physically remove you,	12	based on an allegation made by Danielle
13	I was, as I recall vaguely, I can't say	13	Calvo, is that it?
14	with absolute certainty, that they called	14	MR. THOMPSON: Objection to the
15	me telephonically and relayed what occurred	15	form of the question.
16	and at some point I imagine because it says	16	Q. Is that correct?
17	so here, I must have told her to have you	17	A. I believe based on what she
18	removed and to give you legal counsel's	18	told me, we took action.
19	phone number.	19	Q. And did you ask Danielle Calvo
20	Q. Well, who called you on that	20	if she viewed the videotape?
21	morning?	21	A. Did I ask her if she viewed it?
22	A. I believe it was Danielle.	22	Q. Yes.
23	Q. Danielle.	23	A. I did not ask her.
24	And what time did she call you?	24	Q. Did you approach me on the
25	A. I beg your pardon.	25	afternoon May 8th and said, "I saw what you
	Page 10		Page 12
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2.	Q. And what time did she call you?	2	wrote about me," concerning a letter I
3	A. I don't recall the time.	3	wrote to Attorney General Pricket-Morgan
4	Q. Now, there was a videotape of	4	that I called you complacent, incompetent
5	this alleged altercation between myself and	5	and incapable.
6	Defendant Smart, did you observe that	6	Do you recall approaching me on
7	videotape?	7	the afternoon of May 8th?
8	MR. THOMPSON: I'm going to	8	A. I do not.
9	object to the form of the question.	9	Q. And did you say to me on the
10	Q. Did you observe the video	10	afternoon of May 8th, "can't you go
11	you still have to did you observe the	11	practice somewhere else"?
12	videotape of the alleged push?	12	A. I don't remember saying that to
13	MR. THOMPSON: Note my	13	you at all.
14	objection, you can answer.	14	Q. Were you predisposed to having
15	A. I don't recall whether I did or	15	me removed from the Brooklyn TVB?
16	not.	16	A. I was not.
17	Q. So, you don't recall ever	17	Q. Were you conveniently not
18	observing the videotape?	18	present at the Brooklyn TVB on the morning
19	A. I don't recall, no.	19	of May 11th; sir, did you not happen to
20	Q. Did you keep possession of that	20	view the videotape or the incident between
21	videotape?	21	myself and Defendant Smart?
22	A. I personally did not.	22	MR. THOMPSON: Objection.
23	Q. At any point in time did you	23	A. I'm not sure I understand the
24	view that videotape?	24	question.
25	A. I don't recall.	25	Q. Were you purposefully not

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	Page 13		Page 15
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	available at the Brooklyn TVB on the	2	can answer.
3	morning of May 11, 2015?	3	A. I don't know who viewed it.
4	MR. THOMPSON: Objection.	4	Q. Did Ida Traschen view the
5	(Whereupon, there was	5	videotape before she had me removed
6	cross-talk, so Counsel re-asked the	6	before she told me that I was not allowed
7	question.)	7	to practice law in the Brooklyn TVB or any
8	Q. Were you purposefully not	8	New York TVB?
9	available on the morning of May 11, 2015?	9	MR. THOMPSON: Objection to the
10	A. No.	10	form.
11	Q. Did you tell Defendant Smart to	11	A. I don't know if Ida Traschen
12	approach me on the morning of May 11, 2015	12	observed it.
13	and create an incident between myself and	13	Q. Did you have a conversation
14	him?	14	with Ida Traschen on the morning of May 11,
15	MR. THOMPSON: Objection,	15	2015?
16	compound. You can answer.	16	A. I do not recall with certainty
17	THE WITNESS: I didn't hear	17	whether I did or not.
18	you, Counsel?	18	Q. Ida Traschen did not call you
19	Q. Did you tell?	19	and question you concerning my removal on
20	THE WITNESS: I heard you, I	20	the morning of May 11, 2015?
21	didn't hear Mr. Thompson said	21	MR. THOMPSON: I'm going to
22	something.	22	object on the basis of
23	MR. THOMPSON: Objection,	23	attorney/client privilege and work
24	compound, but you can answer the	24	product, the contents of any
25	question.	25	conversation between Judge Gelbstein
ļ			
	Page 14		Page 16
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	A. Repeat the question, please.	2	and Ida Traschen who is counsel of
3	Q. Did you tell Defendant Smart to	3	DMV that is a legal conversation.
4	approach me on the morning of May 11, 2015?	4	And so, Judge Gelbstein I'll
5	A. No.	5	instruct you not to answer any
6	Q. Do you have authority over the	6	question what you said to Ida and
7	actions of Defendant Smart at the Brooklyn	7	what Ida said to you.
8	TVB?	8	Q. You still have to answer the
9	MR. THOMPSON: Objection to the	9	question, did you have a conversation with
10	form of question, you can answer.	10	Ida Traschen?
11	A. I do.	11	A. I don't recall.
12	Q. You do?	12	Q. Were you in possession of a
13	A. Yes.	13	letter that I wrote on March 20, 2015, to
14	Q. Who viewed the evidence on the	14	Attorney General Pricket-Morgan?
15	morning of May 11, 2015 of this alleged	15	A. I believe I was furnished a
16	push, other than Danielle Calvo?	16	copy of that letter.
17	MR. THOMPSON: I'm having a	17	Q. When were you furnished a copy
18	hard time hearing what you're saying,	18	of that letter?
19	Mr. Capogrosso.	19	A. I don't know the date, it was
20	Q. Who viewed the evidence of this	20	part of an e-mail.
21	alleged push, who viewed the videotape on	21	Q. Was it prior to the event, the
22	the morning of May 11, 2015, other than	22	alleged push on May 11, 2015?
23	Danielle Calvo?	23	A. I couldn't tell you, I don't
I		, //	
24	MR. THOMPSON: Objection,	24	know.
24 25	assumes facts not in evidence. You	25	THE COURT REPORTER: What is

Page 17  ALAN GELBSTEIN  Cricket's last name?  RR. CAPOGROSSO: I'll withd that question.  Pricket-Morgan, M-O-R-G-A-N. Pricket is also her last name.  MR. THOMPSON: It's hyphenated, Pricket-Morgan.  Q. You don't recall when you came in possession of a letter of May 11, 2015?  A. Not at this time. It's been in five years and I did not review it, I couldn't tell you.  Q. Was that letter forwarded to you directly by Attorney General  Pricket-Morgan?  Q. Was that letter forwarded to you directly by Attorney General  A. No.  Q. Did you address any of the complaints that I made in that letter of last complaints that I made in that letter of you now, but did you take any action in this statement, did you rectification with respect to that letter?  A. Again, if'I don't know if I  ALAN GELBSTEIN  ALAN GELBSTEIN  ALAN GELBSTEIN  MR. CAPOGROSSO: I'll withd that question.  Q. Now, I made certain complaints against Defendant Smart which I broug your attention in this letter. I ask you to look down that page.  MR. CAPOGROSSO: I'll withd that question.  A. Not at this time. It's been to look down that page.  MR. CAPOGROSSO: I'll withd that question.  Q. Now, I made certain complaints against Defendant Smart which I broug your attention in this letter. I ask you to look down that page.  MR. CAPOGROSSO: I'll withd that question.  MR. CAPOGROSSO: I'll withd that question.  MR. CAPOGROSSO: I'll withd against Defendant Smart which I broug your attention in this letter. I ask you to look down that page.  MR. CAPOGROSSO: If you ca scroll down the page, please.  THE COURT REPORTER: Sur The COURT REPORTER: Sur On, Now, Item Number 1, I'll draw your attention to ltems Number 1, I'll draw	ht to
2 Cricket's last name? 3 MR. CAPOGROSSO: 4 Pricket-Morgan, M-O-R-G-A-N. Pricket 5 is also her last name. 6 MR. THOMPSON: It's hyphenated, 7 Pricket-Morgan. 8 Q. You don't recall when you came 9 in possession of a letter of May 11, 2015? 10 A. Not at this time. It's been 11 five years and I did not review it, I 12 couldn't tell you. 13 Q. Was that letter forwarded to 14 you directly by Attorney General 15 Pricket-Morgan? 16 A. No. 17 Q. Did you address any of the 18 complaints that I made in that letter of 19 March 20, 2015? 20 A. I don't remember with 21 specificity what the complaints were. 22 Q. Well, I will get that letter 23 for you now, but did you take any action 24 with respect to that letter? 25 A. Again, if'I don't know if'I  Page 18  Cricket's last name. 3 MR. CAPOGROSSO: I'l with that question. 4 Q. Now, I made certain complaints to your attention in this letter. I ask you to look down that page.  MR. CAPOGROSSO: I'l you ca secrol! down the page, please.  THE COURT REPORTER: Sur THE CO	in to me
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2 don't recall the contents, I couldn't tell 2 behavior? 3 you what my reaction would be. 3 A. You have come in to my office	
3 you what my reaction would be. 3 A. You have come in to my office	i
2. Fine, let me get you me 1 4 to complain about security guard David	
5 letter. Let's go to Exhibit 15. 5 Sparks, yes.	
6 (Whereupon, Plaintiff's Exhibit 6 Q. And what did you do in response	
7 15, previously marked, was 7 to those complaints?	
8 introduced.) 8 A. On each well, I don't know	
9 Q. Defendant Gelbstein, do you 9 how many times you came in. I remembe	you
10 recall receiving this letter? 10 coming in, I called David Sparks in and I	
11 A. Yes, I saw this letter. 11 told him that if he said anything	
12 Q. When did you see it? 12 derogatory or had an altercation with you,	
13 A. I don't recall the first time I 13 he has to keep far away from you. Whene	ver
saw it. As I said, it was attached to an 14 he sees you, he should go in the opposite	
15 e-mail I received. 15 direction.	
16 Q. And it's dated March 20th; is 16 Q. But, he didn't obey that order,	ŀ
17 that correct? 17 did he?	
18 A. Yes. 18 A. I don't know that to be	
19 Q. 2015? 19 correct, sir.	
20 A. Yes. 20 Q. Well, he did approach me on the	
Q. The incident between myself and 21 morning of May 11, 2015; right?	
22 Defendant Smart, this alleged push occurred 22 A. I don't know that to be the	
23 on May 11th, am 1 right? 23 case, sir.	
24 A. I don't know what you're 24 Q. The police reports you	
25 looking at. I beg your pardon. 25 didn't I mean, after Defendant Smart	

i .			
	Page 21		Page 23
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	approached me on May 11, 2015, you didn't	2	Defendant Smart and telling me "a spade is
3	view that videotape at any point	3	a spade"?
4	thereafter?	4	A. Are you reading something else
5	MR. THOMPSON: Objection to the	5	in the letter now?
6	form of the question.	6	Q. Yes, the second page down.
7	THE WITNESS: Answer?	7	A. I see the paragraph.
8	MR. THOMPSON: You may answer.	8	Q. Do you recall laughing and
9	Q. After he approached me on	9	giggling at me and telling me "a spade is a
10	May 11th	10	spade" when I complained about Defendant
11	THE COURT REPORTER: Wait, the	11	Smart's action?
12	connection is not good. This is not	12	A. I didn't hear you. Can you
13	a good connection.	13	repeat the question?
14	MR. CAPOGROSSO: Give me one	14	Q. Do you recall laughing and
15	minute, maybe if I move my laptop to	15	giggling at me and telling me "a spade is a
16	a different location maybe I can get	16	spade" when I complained of Defendant's
17	a better connection. Can you give me	17	Smart's actions?
18	one minute to do that?	18	A. No.
19	THE COURT REPORTER: Sure.	19	Q. Many Affidavits were written by
20	MR. CAPOGROSSO: Can you hear	20	your clerks, by attorneys, by a judge
21	me better, Ma'am?	21	against me and they were all presented to
22	THE COURT REPORTER: Yes, I	22	me for the first time in Defendant's Motion
23	can. The witness was trying to	23	to Dismiss.
24	answer, but the connection got all	24	Are you familiar with those
25	messed up.	25	complaints and Affidavits of misconduct?
	messea up.		
	Page 22		Page 24
1	AI AN CEL DOTENI		
	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2		1 2	ALAN GELBSTEIN MR. THOMPSON: Objection to
2 3	A. The answer is, I don't recall	1 2 3	MR. THOMPSON: Objection to
i	A. The answer is, I don't recall ever seeing the tape.	2	
3	A. The answer is, I don't recall ever seeing the tape.     Q. All right.	2 3 4	MR. THOMPSON: Objection to form, you can answer.  A. I don't know which ones
3 4	A. The answer is, I don't recall ever seeing the tape.     Q. All right.     Directing your attention to the	2 3	MR. THOMPSON: Objection to form, you can answer.  A. I don't know which ones specifically you are referring to, but yes,
3 4 5	A. The answer is, I don't recall ever seeing the tape.     Q. All right.	2 3 4 5	MR. THOMPSON: Objection to form, you can answer.  A. I don't know which ones
3 4 5 6	A. The answer is, I don't recall ever seeing the tape.     Q. All right.     Directing your attention to the that third question that I made complaints	2 3 4 5 6	MR. THOMPSON: Objection to form, you can answer.  A. I don't know which ones specifically you are referring to, but yes, I did receive complaints.  Q. All right, fine.
3 4 5 6 7	A. The answer is, I don't recall ever seeing the tape. Q. All right. Directing your attention to the that third question that I made complaints to the office that your security guard	2 3 4 5 6 7	MR. THOMPSON: Objection to form, you can answer.  A. I don't know which ones specifically you are referring to, but yes, I did receive complaints.
3 4 5 6 7 8	A. The answer is, I don't recall ever seeing the tape. Q. All right. Directing your attention to the that third question that I made complaints to the office that your security guard stared and glared at me and would get in my face and say FU.	2 3 4 5 6 7 8	MR. THOMPSON: Objection to form, you can answer.  A. I don't know which ones specifically you are referring to, but yes, I did receive complaints.  Q. All right, fine.  Did you ever give me an
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3 4 5 6 7 8 9 10 11 12 13 14 15	A. The answer is, I don't recall ever seeing the tape.  Q. All right.  Directing your attention to the that third question that I made complaints to the office that your security guard stared and glared at me and would get in my face and say FU.  Do you recall that?  A. I missed the question, say it again, please.  Q. I made a complaint that your security guard Defendant Smart would get in my face and stare and glare at me.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR. THOMPSON: Objection to form, you can answer.  A. I don't know which ones specifically you are referring to, but yes, I did receive complaints.  Q. All right, fine.  Did you ever give me an opportunity to response to any of those complaints?  A. I'm not sure if I need clarification on your question. If the question is if there were specificity in the particular complaint, is it your question did I ask you
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. The answer is, I don't recall ever seeing the tape. Q. All right. Directing your attention to the that third question that I made complaints to the office that your security guard stared and glared at me and would get in my face and say FU. Do you recall that? A. I missed the question, say it again, please. Q. I made a complaint that your security guard Defendant Smart would get in my face and stare and glare at me. Do you recall me making a complaint to your office concerning that? A. I just read Number 3 and what is your question with regard to Number 3? Q. Do you recall me making that complaint to your office?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. THOMPSON: Objection to form, you can answer.  A. I don't know which ones specifically you are referring to, but yes, I did receive complaints.  Q. All right, fine.  Did you ever give me an opportunity to response to any of those complaints?  A. I'm not sure if I need clarification on your question. If the question is if there were specificity in the particular complaint, is it your question did I ask you  Q. I'll rephrase the question.  Did you ever approach me with a complaint and ask me to respond to it?  A. Yes.  Q. You presented me with a written complaint and asked me to respond?  A. No. I never gave you a written complaint to respond to.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. The answer is, I don't recall ever seeing the tape.  Q. All right.  Directing your attention to the that third question that I made complaints to the office that your security guard stared and glared at me and would get in my face and say FU.  Do you recall that?  A. I missed the question, say it again, please.  Q. I made a complaint that your security guard Defendant Smart would get in my face and stare and glare at me.  Do you recall me making a complaint to your office concerning that?  A. I just read Number 3 and what is your question with regard to Number 3?  Q. Do you recall me making that complaint to your office?  A. No, I do not.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	MR. THOMPSON: Objection to form, you can answer.  A. I don't know which ones specifically you are referring to, but yes, I did receive complaints.  Q. All right, fine.  Did you ever give me an opportunity to response to any of those complaints?  A. I'm not sure if I need clarification on your question. If the question is if there were specificity in the particular complaint, is it your question did I ask you  Q. I'll rephrase the question.  Did you ever approach me with a complaint and ask me to respond to it?  A. Yes.  Q. You presented me with a written complaint and asked me to respond?  A. No. I never gave you a written complaint to respond to.  Q. You did not?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. The answer is, I don't recall ever seeing the tape. Q. All right. Directing your attention to the that third question that I made complaints to the office that your security guard stared and glared at me and would get in my face and say FU. Do you recall that? A. I missed the question, say it again, please. Q. I made a complaint that your security guard Defendant Smart would get in my face and stare and glare at me. Do you recall me making a complaint to your office concerning that? A. I just read Number 3 and what is your question with regard to Number 3? Q. Do you recall me making that complaint to your office? A. No, I do not. Q. At one point in time did you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. THOMPSON: Objection to form, you can answer.  A. I don't know which ones specifically you are referring to, but yes, I did receive complaints.  Q. All right, fine.  Did you ever give me an opportunity to response to any of those complaints?  A. I'm not sure if I need clarification on your question. If the question is if there were specificity in the particular complaint, is it your question did I ask you  Q. I'll rephrase the question.  Did you ever approach me with a complaint and ask me to respond to it?  A. Yes.  Q. You presented me with a written complaint and asked me to respond?  A. No. I never gave you a written complaint to respond to.

6 (Pages 21 to 24)

1 ALAN GELBSTEIN 2 Q. So, I had no opportunity to respond to any of these complaints that either your clerks were making or even a judge made, you gave me no opportunity to respond before having me removed; is that fair? 8 MR. THOMPSON: Objection to form. 10 A. No, it's not fair. 11 Q. At what point in time did you give me an opportunity to respond? 12 give me an opportunity to respond? 13 A. As complaints came in over a period of time, whenever there was a complaint lodged and it was more serious, I would cell you to recomplaints and I would tell you to cease and desist and you would promise that you would. 11 And that was the end of the discussion with any particular complaint. 12 Q. Well, tell me which complaint you did that because I don't recall it, tell me, tell me the exact complaint? 12 A. At this time I don't recall it, you asked me to address? 1 A. Right. 1 Q. And you never asked me for a written reply to any complaint; is that fair? 2 A. Prom the cumulative complaints, no one complaint in the fill those complaints over a period of time. 2 d. And you would. 2 more recomplaint and I would tell you the complaint of the which complaint and the period of time, whenever there was a good time. 2 d. Well, tell me which complaint a specificity, but as I said before, whenever I felt a complaint and not a minor complaint, a serious complaint required my intervention, I called you in and whad a discussion in my office. 2 Q. But, you don't recall the date that you called me in or the complaint that fair? 3 A. That's fair. 4 Q. And you never asked me for a written reply to any complaint; is that fair? 5 A. Tid. G. Did you cver investigate the complaints of my recollection every serious complaint. 3 a written reply to any complaint; is that fair? 4 A. I investigated to the best of my recollection every serious complaints of my recollection ev				
2 Q. So, I had no opportunity to respond to any of these complaints that either your clerks were making or even a judge made, you gave me no opportunity to respond before having me removed; is that fair?  8 MR. THOMPSON: Objection to form. 10 A. No, it's not fair. 11 Q. At what point in time did you give me an opportunity to respond! 12 give me an opportunity to respond! 13 A. As complaints came in over a period of time, whenever there was a complaint lodged and it was more serious, the there were complaints thought pay, but it was a more serious, I would cell you in and I would tell you other complaints and I would tell you to cease and desist and you would promise that you would. 14 And that was the end of the discussion with any particular complaint. 15 Q. Well, tell me which complaint you did that because I don't recall it, you did that because I don't recall it, you said you never asked me for a discussion in my office. 16 Q. But, you don't recall the date that you called me in or the complaint that you asked me to address? 16 A. Right. 17 Q. And you never asked me for a written reply to any complaint; is that fair? 18 A. That's fair. 19 A. I did. 20 Q. Or did you just accept them as truthful? 21 A. I investigated the voracity or truthfulness of any of these complaints. 22 A. I investigated the voracity or truthfulness of any of these complaints? 23 Q. Who is se these complaints. 34 A. Stendil the derivation of the complaint that you asked me to address? 35 C. Well, tell me which complaint that you asked me to address? 36 C. Dad you never asked me for a written reply to any complaint; is that fair? 38 A. That's fair. 39 C. Mell, tell me draw your attention to a couple of those complaints that you said you investigated the truthfulness and voracity of if I may for which you had me removed from the Brooklyn TVB? 39 A. I did. 30 C. Mell, tell me which complaint that you asked me to address? 30 C. Well, tell me draw your attention to a couple of those complaints. 31 C. Well, tell me draw your attention to a co		Page 25		Page 27
2 Q. So, I had no opportunity to respond to any of titese complaints that either your clerks were making or even a judge made, you gave me no opportunity to respond before having me removed; is that fair?  8 MR. THOMPSON: Objection to form. 10 A. No, it's not fair. 11 Q. At what point in time did you give me an opportunity to respond! 12 A. A se complaints came in over a period of time, whenever there was a complaint lodged and it was more serious, there were complaints thought pay, but it was a more serious, I would cell you in and I would tell you other complaints and I would tell you tore complaints and I would tell you tore complaints and I would tell you to cease and desist and you would promise that you would. 12 And that was the end of the discussion with any particular complaint. 12 Q. Well, tell me which complaint you did that because I don't recall it, you did that because I don't recall it, you used me to address? 11 A. At this time I don't recall it, you used me to address? 12 A. Right. 23 Q. But, you don't recall the date that you called me in or the complaint that you used me to address? 14 A. Right. 25 C. And you never asked me for a written reply to any complaint; is that fair? 15 A. That's fair. 16 Q. Did you use these complaints. 17 A. She, as the time, used in the subject to the form, you can answer. 18 A. Times the cumulative complaints, no one complaints sure without asking for my affidavit in response; is that a fair statement? 19 a. I did not ask for an affidavit in response; is that a fair statement? 19 would tell you to cease and desist and you would promise that you would. 20 Well, tell me which complaint. 21 A. At this time I don't recall it, tell me, tell me the exact complaint? 22 A. Right. 23 Q. Well, tell me which complaint that you called me in or the complaint that you called me in or the complaint that you asked me to address? 11 A. Right. 22 A. Right. 33 A. Right. 44 C. Well, tell me ferical office. 45 C. Who is Melanie, the form, you call with the subject of the fair? 46 C. R	1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
a respond to any of these complaints that  detither your clerks were making or attorneys were making or even pludge made, you gave me no opportunity to respond before having me removed; is that fair?  MR. THOMPSON: Objection to form.  A. No, it's not fair.  Q. At what point in time did you give me an opportunity to respond?  A. As complaints came in over a period of time, whenever there was a complaint lodged and it was more serious, there were complaints I thought pay, but it was a more serious, three were complaints and i would tell you other complaints and i would tell you to cease and desist and you would promise that you would.  And that was the end of the discussion with any particular complaint, you did that because I don't recall it, you did that because I don't recall it, tell me, tell me the exact complaint?  A. At this time I don't recall specificity, but as I said before, whenever for the men would that you asked me to address?  A. Right.  Q. But, you don't recall the date that you asked me to address?  A. Taght. Q. And you never asked me for a written reply to any complaint; is that fair?  A. That's fair.  Q. Or did you gust accept them as truthfull?  A. I lidie on the complaint.  A. Right.  Q. Or did you gust accept them as truthfull?  A. I limestigated to the best of mry recollection every serious complaint.  A. I limestigated to the best of mry recollection every serious complaints.	2		2	
de cither your clerks were making or attorneys were making or even a judge made, you got me no opportunity to respond before having me removed; is that fair?  MR. THOMPSON: Objection to form.  MR. THOMPSON: Objection to form.  A. No, it's not fair.  Q. At what point in time did you give me an opportunity to respond!  A. A. So complaints came in over a period of time, whenever there was a complaint lodged and it was more serious, the there were complaints I thought pay, but it was a more serious, I would cell you in and I would tell you other complaints and I would tell you to case and desist and you would promise that you would.  And that was the cand of the discussion with any particular complaint.  Q. Well, tell me which complaint.  Q. Well, tell me deave was a specifically one that was made by your which you had me removed from the Brooklyn TVB?  A. A this time I don't recall  A. A this time I don't recall  Q. And you sexed me for a written removed from the Brooklyn TVB?  A. Right.  A. Right.  Q. And you very expected the voracity or truthfulness of any of these complaints.  A. I did.  Q. Or did you just accept them			3	•
be were making or even a judge made, you gave me no opportunity to respond before having me removed; is that fair?  MR. THOMPSON: Objection to form.  MR. THOMPSON: Objection to form.  A. No, it's not fair.  Q. At what point in time did you give me an opportunity to respond?  A. As complaints came in over a period of time, whenever there was a complaint lodged and it was more serious, there were complaints I thought pay, but it was a more serious, I would call you other complaints and I would tell you other complaints and I would tell you other complaints.  MR. THOMPSON: I object to the form, you can answer.  A. From the cumulative complaints and complaint in and of itself was the deciding factor. It was a cumulation of complaints serve a period of time.  Q. And you just accepted all those complaints as true without asking for my affidavit in response; is that a fair statement?  A. I did not ask for an affidavit in response.  Q. Well, let me draw your attention to a couple of those complaints that you said you investigated the truthfulness and vorneity of if! I may for which you had me removed from the Brooklyn TVB?  A. At this time I don't recall specifically one that was made by your  Page 26  A. Alan Gelbstein  A. At this time I don't recall specifically one that was made by your  Page 28  A. At this time I don't recall the date that you called me in or the complaint that you asked me to address?  A. Right.  Q. And you never asked me for a written reply to any complaint; is that fair?  A. Thom the cumulative complaints the deciding factor. It was a cumulation of complaints serve a period of time.  Q. And you were mereover from the Brooklyn TVB?  A. A time the exact complaint that you dalled me in the complaint that you asked me to address?  A. A this time I don't recall the date that you called me in or the complaint that you asked me to address?  Q. But, you don't recall the date that you called me in or the complaint that you asked me to address?  Q. And you never investigate the voracity or truthfulness of			4	
me no apportunity to respond before having me removed; is that fair?  MR. THOMPSON: Objection to form.  A. No, it's not fair.  Q. At what point in time did you give me an opportunity to respond?  A. As complaints came in over a period of time, whenever there was a complaint lodged and it was more serious, I would call you in and I was a more serious, I would call you in and I would tell you other complaints and I would tell you to recase and desist and you would promise that you would.  And that was the end of the discussion with any particular complaint, you did that because I don't recall it, you did that because I don't recall it, you did that because I don't recall specificity, but as I said before, whenever I felt a complaint, a serious complaint required my on intervention, I called you in and we had a discussion in my office.  A. Right.  A. Right.  Q. And you never asked me for a written reply to any complaint; is that fair?  A. Right.  A. That's fair.  A. That's fair.  A. That's fair.  A. I did.  Q. Or did you just accept them as truthfull'recaping for my affidavit in response; is that a fair statement?  A. I did. on task for an affidavit in response, is that a fair statement?  A. I did not ask for an affidavit in response, is that a fair statement?  A. I did not ask for an affidavit in response, is that a fair statement?  A. I did not ask for an affidavit in response, is that a fair statement?  A. I did not ask for an affidavit in response, is that a fair statement?  A. I did not ask for an affidavit in response, is that a fair statement?  A. I did not ask for an affidavit in response, is that a fair statement?  A. I did not ask for an affidavit in response, is that a fair statement?  A. I did not ask for an affidavit in response, is that a fair statement?  A. I did not ask for an affidavit in response, is that a fair statement?  A. I did not ask for an affidavit in response, is that a fair statement?  A. I did not ask for an affidavit in response, is that a fair statement?  A. I did not ask for an aff		•	5	
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A At this time I don't recall specificity, but as I said before, whenever I felt a complaint and not a minor complaint, a serious complaint required my intervention, I called you in and we had a discussion in my office.  B Q. But, you don't recall the date that you called me in or the complaint that you asked me to address?  A. Right.  Q. And you never asked me for a written reply to any complaint; is that fair?  A. That's fair.  Q. Did you ever investigate the voracity or truthfulness of any of these complaints?  A. I did.  Q. Or did you just accept them as truthful?  A. I investigated to the best of my recollection every serious complaints  1 ALAN GELBSTEIN chief clerk, your chief clerk which is Exhibit.—let's see.—84? 84. Can we go to Exhibit 85, I'm sorry, 85.  (Whereupon, Plaintiff's Exhibit 85, previously marked, was introduced.)  Q. Are you familiar with Melanie Levine?  A. Yes.  Q. Who is Melanie, M-E-L-A-N-I-E, Levine?  A. She, at the time, was a supervisor in the clerical office.  Q. So, she was a supervisor of your clerks, am I right in saying that?  A. She was a principal clerk.  MR. CAPOGROSSO: Can you please scroll down, Ma'am, to the next page.  (Whereupon, the Court Reporter complied.)  Q. I'll direct you to the first	25	tell me, tell me the exact complaint?	25	specifically one that was made by your
A. At this time I don't recall specificity, but as I said before, whenever I felt a complaint and not a minor complaint, a serious complaint required my intervention, I called you in and we had a discussion in my office.  B. Q. But, you don't recall the date that you called me in or the complaint that you asked me to address?  A. Right.  Q. And you never asked me for a fair?  A. That's fair.  Q. Did you ever investigate the voracity or truthfulness of any of these complaints?  A. I did. Q. Or did you just accept them as truthful?  A. I investigated to the best of my recollection every serious complaints  Complaints  Chief clerk, your chief clerk which is Exhibit let's see 84? 84. Can we go to Exhibit 85, I'm sorry, 85.  (Whereupon, Plaintiff's Exhibit 85, previously marked, was introduced.)  Q. Are you familiar with Melanie Levine?  A. Yes. Q. Who is Melanie, M-E-L-A-N-I-E, Levine?  A. She, at the time, was a supervisor in the clerical office.  Q. So, she was a supervisor of your clerks, am I right in saying that?  A. She was a supervisor of some of the clerks. She was not the head clerk, she was a principal clerk.  MR. CAPOGROSSO: Can you please scroll down, Ma'am, to the next page.  (Whereupon, Plaintiff's Exhibit 85, previously marked, was introduced.)  Q. Are you familiar with Melanie Levine?  A. Yes.  Q. Who is Melanie, M-E-L-A-N-I-E, Levine?  A. She, at the time, was a supervisor of some of the clerks, She was a supervisor of some of the clerks. She was not the head clerk, she was a principal clerk.  MR. CAPOGROSSO: Can you please scroll down, Ma'am, to the next page. (Whereupon, the Court Reporter complied.)  Q. I'll direct you to the first		Page 26		-
3 specificity, but as I said before, whenever 4 I felt a complaint and not a minor 5 complaint, a serious complaint required my 6 intervention, I called you in and we had a 7 discussion in my office. 8 Q. But, you don't recall the date 9 that you called me in or the complaint that 10 you asked me to address? 11 A. Right. 12 Q. And you never asked me for a 13 written reply to any complaint; is that 14 fair? 15 A. That's fair. 16 Q. Did you ever investigate the 17 voracity or truthfulness of any of these 18 complaints? 19 A. I did. 20 Q. Or did you just accept them as 21 truthful? 22 A. I investigated to the best of 24 my recollection every serious complaints 24 Q. And you used these complaints 25 (Whereupon, Plaintiff's Exhibit 26 (Whereupon, Plaintiff's Exhibit 27 A. Yes. 28 Q. Are you familiar with Melanie 29 Levine? 20 Who is Melanie, M-E-L-A-N-I-E, 21 Levine? 21 A. She, at the time, was a 22 supervisor in the clerical office. 23 MR. CAPOGROSSO: Can you please 24 (Whereupon, the Court Reporter 25 (Whereupon, Plaintiff's Exhibit 26 (Whereupon, Plaintiff's Exhibit 28 (Whereupon) 29 (A. Yes. 20 (Who is Melanie, M-E-L-A-N-I-E, 21 Levine? 22 A. She, at the time, was a supervisor of 24 your clerks, am I right in saying that? 25 A. She was a supervisor of some of 26 the clerks. She was not the head clerk, 27 she was a principal clerk. 28 MR. CAPOGROSSO: Can you please 29 (Whereupon, the Court Reporter 29 complied.) 20 (Whereupon, the Court Reporter 29 complied.) 20 (Whereupon, Plaintiff's Exhibit 29 to Exhibit of Exhibit 20 (Who is Melanie, M-E-L-A-N-I-E, 29 (Who is Melanie, M-E-L-A-N-I-E, 20 (Who is Melanie, M-E-L-A-N-I-E, 20 (Who is Melanie, M-E-L-A-N-I-E, 21 (Who is Melanie, M-E-L-A-N-I-E, 22 (Who is Melanie, M-E-L-A-N-I-E, 23 (Who is Melanie, M-E-L-A-N-I-E, 24 (Who is Mel			l	
I felt a complaint and not a minor complaint, a serious complaint required my intervention, I called you in and we had a discussion in my office.  Q. But, you don't recall the date that you called me in or the complaint that you asked me to address?  A. Right.  Q. And you never asked me for a myritten reply to any complaint; is that fair?  A. That's fair.  Q. Did you ever investigate the voracity or truthfulness of any of these complaints?  A. I did.  Q. Or did you just accept them as truthful?  A. I investigated to the best of my recollection every serious complaints.  Tin to Exhibit 85, I'm sorry, 85. (Whereupon, Plaintiff's Exhibit 85, previously marked, was introduced.) Q. Are you familiar with Melanie Levine?  A. Yes. Q. Who is Melanie, M-E-L-A-N-I-E, Levine?  A. She, at the time, was a supervisor in the clerical office. Q. So, she was a supervisor of your clerks, am I right in saying that? A. She was a supervisor of some of the clerks. She was not the head clerk, she was a principal clerk.  MR. CAPOGROSSO: Can you please scroll down, Ma'am, to the next page. (Whereupon, the Court Reporter complied.) Q. I'll direct you to the first	1		i	
complaint, a serious complaint required my intervention, I called you in and we had a discussion in my office.  Recomplaint, a serious complaint required my discussion in my office.  Recomplaint my			Į	<del>-</del>
6 intervention, I called you in and we had a 7 discussion in my office. 8 Q. But, you don't recall the date 9 that you called me in or the complaint that 10 you asked me to address? 11 A. Right. 12 Q. And you never asked me for a 13 written reply to any complaint; is that 14 fair? 15 A. That's fair. 16 Q. Did you ever investigate the 17 voracity or truthfulness of any of these 18 complaints? 19 A. I did. 20 Q. Or did you just accept them as 21 truthful? 22 A. I investigated to the best of 23 my recollection every serious complaints 24 Q. Are you familiar with Melanie 26			1	
discussion in my office.  Q. But, you don't recall the date that you called me in or the complaint that you asked me to address?  A. Right. Q. And you never asked me for a written reply to any complaint; is that fair? A. That's fair. Q. Did you ever investigate the voracity or truthfulness of any of these complaints? A. I did. Q. Or did you just accept them as truthful? A. I investigated to the best of my recollection every serious complaints  rintroduced.) Q. Are you familiar with Melanie Levine? A. Yes.  10 A. Yes. 11 A. Yes. 12 Levine? A. She, at the time, was a supervisor in the clerical office. Q. So, she was a supervisor of your clerks, am I right in saying that? A. She was a supervisor of some of the clerks. She was not the head clerk, she was a principal clerk. MR. CAPOGROSSO: Can you please scroll down, Ma'am, to the next page. (Whereupon, the Court Reporter complied.) Q. Arl didicect you to the first			ł	
Q. But, you don't recall the date that you called me in or the complaint that you asked me to address?  A. Right. Q. And you never asked me for a written reply to any complaint; is that fair? A. That's fair. Q. Did you ever investigate the voracity or truthfulness of any of these complaints? A. I did. Q. Or did you just accept them as truthful? A. I investigated to the best of my recollection every serious complaints. Q. And you to don't recall the date Q. Are you familiar with Melanie Levine? Q. Who is Melanie, M-E-L-A-N-I-E, Levine? A. She, at the time, was a supervisor in the clerical office. Q. So, she was a supervisor of your clerks, am I right in saying that? A. She was a supervisor of some of the clerks. She was not the head clerk, she was a principal clerk. MR. CAPOGROSSO: Can you please scroll down, Ma'am, to the next page. (Whereupon, the Court Reporter complied.) Q. I'll direct you to the first				
that you called me in or the complaint that  you asked me to address?  A. Right.  Q. And you never asked me for a  written reply to any complaint; is that  fair?  A. That's fair.  Q. Did you ever investigate the  voracity or truthfulness of any of these  complaints?  A. I did.  Q. Or did you just accept them as  truthful?  A. I investigated to the best of  my recollection every serious complaints.  Levine?  A. Yes.  Q. Who is Melanie, M-E-L-A-N-I-E,  Levine?  A. She, at the time, was a  supervisor in the clerical office.  Q. So, she was a supervisor of  your clerks, am I right in saying that?  A. She was a supervisor of some of  the clerks. She was not the head clerk,  she was a principal clerk.  MR. CAPOGROSSO: Can you please  scroll down, Ma'am, to the next page.  (Whereupon, the Court Reporter  complied.)  Q. I'll direct you to the first				
you asked me to address?  A. Right.  Q. And you never asked me for a written reply to any complaint; is that fair?  A. That's fair.  Q. So, she was a supervisor of Q. Did you ever investigate the voracity or truthfulness of any of these complaints?  A. I did. Q. Or did you just accept them as truthful?  A. I investigated to the best of my recollection every serious complaints.  10 A. Yes. 11 Q. Who is Melanie, M-E-L-A-N-I-E, 12 Levine?  A. She, at the time, was a supervisor of the clerical office. 15 Q. So, she was a supervisor of your clerks, am I right in saying that? A. She was a supervisor of some of the clerks. She was not the head clerk, she was a principal clerk.  MR. CAPOGROSSO: Can you please scroll down, Ma'am, to the next page. (Whereupon, the Court Reporter complied.) Q. I'll direct you to the first			ł	
A. Right.  Q. And you never asked me for a written reply to any complaint; is that  A. That's fair.  Q. Did you ever investigate the voracity or truthfulness of any of these complaints?  A. I did.  Q. Or did you just accept them as truthful?  A. I investigated to the best of my recollection every serious complaints.  A. Right.  Q. Who is Melanie, M-E-L-A-N-I-E, Levine?  Levine?  A. She, at the time, was a supervisor of supervisor of of your clerks, am I right in saying that?  A. She was a supervisor of some of the clerks. She was not the head clerk, she was a principal clerk.  MR. CAPOGROSSO: Can you please scroll down, Ma'am, to the next page.  (Whereupon, the Court Reporter complied.)  Q. And you used these complaints  24 Q. I'll direct you to the first	_	· · · · · · · · · · · · · · · · · · ·		
12 Q. And you never asked me for a 13 written reply to any complaint; is that 14 fair? 15 A. That's fair. 16 Q. Did you ever investigate the 17 voracity or truthfulness of any of these 18 complaints? 19 A. I did. 20 Q. Or did you just accept them as 21 truthful? 22 A. I investigated to the best of 23 my recollection every serious complaints. 24 Q. And you used these complaints 25 Levine? 26 A. She, at the time, was a 27 supervisor in the clerical office. 27 A. She was a supervisor of 28 your clerks, am I right in saying that? 29 A. She was a supervisor of some of 29 the clerks. She was not the head clerk, 20 MR. CAPOGROSSO: Can you please 21 scroll down, Ma'am, to the next page. 22 (Whereupon, the Court Reporter 23 complied.) 24 Q. And you used these complaints 25 Levine? 26 A. She, at the time, was a 27 supervisor in the clerical office. 26 Your clerks, am I right in saying that? 27 A. She was a supervisor of some of 28 the clerks. She was not the head clerk, 29 She was a principal clerk. 20 MR. CAPOGROSSO: Can you please 21 complied.) 22 (Whereupon, the Court Reporter 23 complied.) 24 Q. I'll direct you to the first		•		
written reply to any complaint; is that fair?  A. She, at the time, was a supervisor in the clerical office.  D. Did you ever investigate the voracity or truthfulness of any of these complaints?  A. I did. D. Or did you just accept them as truthful?  A. She was a supervisor of your clerks, am I right in saying that?  A. She was a supervisor of some of the clerks. She was not the head clerk, she was a principal clerk.  MR. CAPOGROSSO: Can you please truthful?  A. I investigated to the best of my recollection every serious complaint.  Q. And you used these complaints  D. I'll direct you to the first			1	· ·
14 fair? 15 A. That's fair. 16 Q. Did you ever investigate the 17 voracity or truthfulness of any of these 18 complaints? 19 A. I did. 20 Q. Or did you just accept them as 21 truthful? 22 A. I investigated to the best of 23 my recollection every serious complaints. 24 Q. And you used these complaints 25 Q. So, she was a supervisor of 26 your clerks, am I right in saying that? 27 A. She was a supervisor of some of 28 the clerks. She was not the head clerk, 29 she was a principal clerk. 20 MR. CAPOGROSSO: Can you please 21 truthful? 22 scroll down, Ma'am, to the next page. 23 (Whereupon, the Court Reporter 24 Q. And you used these complaints 25 Q. I'll direct you to the first		· · · · · · · · · · · · · · · · · · ·	1	
A. That's fair.  Q. Did you ever investigate the voracity or truthfulness of any of these complaints?  A. I did. Q. Or did you just accept them as truthful?  A. I investigated to the best of my recollection every serious complaints.  A. That's fair.  Q. So, she was a supervisor of your clerks, am I right in saying that?  A. She was a supervisor of some of the clerks. She was not the head clerk, she was a principal clerk.  MR. CAPOGROSSO: Can you please scroll down, Ma'am, to the next page.  (Whereupon, the Court Reporter complied.)  Q. And you used these complaints  Q. I'll direct you to the first			1	· · · · · · · · · · · · · · · · · · ·
Q. Did you ever investigate the voracity or truthfulness of any of these 17 A. She was a supervisor of some of 20 A. I did. 19 She was a principal clerk, 20 Q. Or did you just accept them as 21 truthful? 21 Scroll down, Ma'am, to the next page. 22 A. I investigated to the best of 23 my recollection every serious complaint. 24 Q. And you used these complaints 24 Q. I'll direct you to the first	ł		1	
voracity or truthfulness of any of these  complaints?  A. She was a supervisor of some of the clerks. She was not the head clerk, she was a principal clerk.  Q. Or did you just accept them as truthful?  A. I did.  MR. CAPOGROSSO: Can you please truthful?  A. I investigated to the best of my recollection every serious complaint.  Q. And you used these complaints  A. She was a supervisor of some of the clerks. She was not the head clerk, she was a principal clerk.  (Whereuson, Ma'am, to the next page. (Whereupon, the Court Reporter complied.)  Q. I'll direct you to the first	1			•
18 complaints? 19 A. I did. 20 Q. Or did you just accept them as 21 truthful? 22 A. I investigated to the best of 23 my recollection every serious complaint. 24 Q. And you used these complaints 25 the clerks. She was not the head clerk, 26 she was a principal clerk. 27 MR. CAPOGROSSO: Can you please complaint complied. 28 complied. 29 (Whereupon, the Court Reporter complied.) 29 Q. I'll direct you to the first				
A. I did.  Q. Or did you just accept them as  truthful?  A. I investigated to the best of  my recollection every serious complaint.  Q. And you used these complaints  yes she was a principal clerk.  MR. CAPOGROSSO: Can you please  scroll down, Ma'am, to the next page.  (Whereupon, the Court Reporter  complied.)  Q. I'll direct you to the first				
20 Q. Or did you just accept them as 21 truthful? 22 A. I investigated to the best of 23 my recollection every serious complaint. 24 Q. And you used these complaints 20 MR. CAPOGROSSO: Can you please 21 scroll down, Ma'am, to the next page. 22 (Whereupon, the Court Reporter complied.) 23 complied.) 24 Q. I'll direct you to the first			1	The state of the s
truthful?  21 scroll down, Ma'am, to the next page.  22 A. I investigated to the best of 22 (Whereupon, the Court Reporter 23 my recollection every serious complaint. 23 complied.)  24 Q. And you used these complaints 24 Q. I'll direct you to the first	ľ		i	
22 A. I investigated to the best of 22 (Whereupon, the Court Reporter 23 my recollection every serious complaint. 23 complied.) 24 Q. And you used these complaints 24 Q. I'll direct you to the first			]	
23 my recollection every serious complaint. 23 complied.) 24 Q. And you used these complaints 24 Q. I'll direct you to the first			1	· · · · · · · · · · · · · · · · · · ·
Q. And you used these complaints 24 Q. I'll direct you to the first				
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		minediffer to make the relief to mout the		r

	Page 29		Page 31
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	thank you. Now, I'll direct you to first	2	Q. Well, let me tell you what
3	paragraph where your clerk of supervisors	3	happened with this complaint, Mr. Perez did
4	states, "attorney Capogrosso represented	4	not hire me to represent him on three
5	Mr. Perez at trial for three violations on	5	violations, he did not. He hired me on
6	January 21, 2015."	6	appeal the day after he lost and was
7	MR. THOMPSON: I think he's	7	suspended in a courthouse by one of your
8	referring to the previous page,	8	judges on these violations, that's what
9	Page 3.	9	happened.
10	THE COURT REPORTER: That's	10	And he hired me on the appeal
11	what I thought, but his connection is	11	and I took the appeal and then he came back
12	slower. This, this is Page 3, so	12	the next day and what he told me was that
13	give it a second to catch up. You	13	his license got suspended and revoked. And
14	want Page 4, the handwritten portion.	14	he said to me I want my
15	MR. CAPOGROSSO: The one before	15	MR. THOMPSON: Note my
16	that, Ma'am. Further up Ma'am	16	objection.
17	right there.	17	Q Mr. Perez did not hire me on
18	Q. Did you investigate that	18	those violations and you never investigated
19	complaint, Defendant Gelbstein?	19	that now, did you Mr. Gelbstein?
20	A. I don't recall if I	20	MR. THOMPSON: Note my
21	specifically investigated this complaint.	21	objection, you can answer.
22	Q. So. You don't know the	22	A. I don't recall with specificity
23	voracity or truthfulness of that complaint;	23	what I did at the time. I'm aware of the
24	is that a fair statement?	24	complaint, I don't remember if I spoke to
25	A. I don't recall at this time.	25	him or not. I don't recall.
	Page 30		Page 32
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	Q. But, you used this as one of	2	Q. But, you never took my
3	the complaints of misconduct to have me	3	affidavit in response; right?
4	removed; is that right?	4	MR. THOMPSON: Objection, asked
5	A. This is one of many, yes.	5	and answered, you can respond.
6	Q. And you know I never	6	Q. Now, you know what happened
7	represented Mr. Perez on January 11, 2015,	7	that day Mr. Perez approached me, after I
8	you know that; right?	8	gave him his money back and he told me he
9	A. I do not.	9	was going to cut me with a knife and the
10	Q. Well, she's making a false	10	slash the tires of my car, you understand
11	statement. You could have investigated it,	11	that, that's what he said to me?
12	but you didn't investigate it now, did you?	12	MR. THOMPSON: Objection,
13	MR. THOMPSON: Objection to the	13	assumes fact not in evidence.
14	form of the question. You can	14	A. I wasn't there when you had the
15	answer.	15	conversation, I don't know what he said to
16	A. I don't recall the particular	16	nor do I know what you said to him.
17	complaint now with specificity and what	17	Q. But, you never took my
18	actions I took with regard to this. I	18	statement in reference to that complaint
19	don't recall whether I spoke to Paul Perez	19	now did you?
20	or not. I may have, I don't recall.	20	A. Again, I don't recall the
21	Q. Did you ever talk to me about	21	specific conversation we had with regard to
22	this complaint?	22	it, if we didn't have a conversation.
23	A. Again, I don't remember with	23	Q. You never had a conversation
24 25	specificity with this particular complaint	24 25	with me concerning this complaint because there's no affidavit attached to this
23	whether I spoke to you on it or not.	23	there's no arridavit attached to this

Page 33  1 ALAN GELBSTEIN 1 ALAN GELBS 2 complaint concerning my statement, now is 2 (Whereupon, Pla	Page 35
	TEIN
2 complaint concerning my statement now is 2 (Whereupon Pla	TEUN
	intiff's Exhibit
3 there? 3 81, previously mark	ed, was
4 MR. THOMPSON: Objection, 4 introduced.)	
5 argumentative. You can answer. 5 Q. I'm going to dire	ect you to that
6 A. I don't know whether or not 6 first paragraph. There's	a lot of things
7 there was something attached now to the 7 that I could talk to you a	about, but time is
8 filings of the legal papers. 8 short.	
9 Q. Did you take an affidavit in 9 I'll direct you to	that first
10 response to that complaint? 10 paragraph and it says in	part and this
11 A. Did I take an affidavit from 11 is a letter written by Bu	shra Vahdat who
12 you? 12 happens to be whom, do	yon know who Bushra
13 Q. From me. 13 Vahdat is?	,
14 A. I don't believe you offered me 14 A. I do.	; [
15 an affidavit. 15 Q. Who is it Bushr	a Vahdat?
16 Q. Did you ask me for one? 16 A. She was my imi	mediate
17 A. I don't believe I did. 17 supervisor.	
18 Q. Now, on that day in question 18 Q. Now, she made	•
19 when Mr. Perez told me was going to cut me 19 she made an affidavit co	oncerning my
20 with a knife and then slash the tires of my 20 behavior.	
21 car, your Defendant Smart was never there, 21 Did you have an	opportunity to
22 your security guard was never there to take 22 look at this complaint?	
23 any action. 23 A. I'm trying to rea	
24 Is that a fair statement? 24 there anything specific,	
25 MR. THOMPSON: Objection to 25 should I zoom in on a page	articular paragraph?
Page 34	Page 36
-	<del>-</del>
1 ALAN GELBSTEIN 1 ALAN GELE	
2 form. 2 Q. I'll address yo	
3 A. I wouldn't know. 3 that first paragraph tha	
4 Q. Do you know if the police came 4 was first appointed to	the position of
5 to investigate that complaint? 5 supervising ALJ."	
6 A. I do not know. 6 Are you there?	
7 Q. And yet, at one point in time, 7 A. Yes.	
8 you told me and I believe you told all the 8 Q. Fine.	a e a
9 other attorneys, that if you have an unruly 9 She indicates of	
10 client you're supposed to speak to them 10 line down, she indicate	
	casions and followed a
12 Did you not tell us all that? 12 clerk with his car and	
13 A. Let me see if I understand, are 13 moving. He then aske	
14 you saying that is the question, did I 14 the car and fight it out	
15 speak to all the attorneys that if you have 15 Now, did you in	
16 an unruly client you should to talk to them 16 truth and voracity of the 17 and	iai statement?
17 outside? 17 A. I don't recall.	
18 Q. Yes, outside the courtroom, did 18 Q. You don't?  19 you not tell me that at one point in time? 19 A. No.	
	who that clerk
20 A. It sounds like something I 20 Q. Do you know 21 might have said. 21 might have been that s	
21 might have said. 21 might have been that s 22 Q. All right, fine. 22 A. I do not.	me a taixing acout:
,	been a George Han
I /5 Let me draw your attention to 1 73 11 Could it have	ocon a George Hall
	r court?
23 Let me draw your attention to 23 Q. Could it have 24 another exhibit which I have to ask, 24 that was a clerk at you 25 Exhibit 81. Can we go to Exhibit 81? 25 A. Could have be	

9 (Pages 33 to 36)

	Page 37		Page 39
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	Q. Okay, fine. Can we go to	2	Q. Now, Bushra Vahdat says I got
3	Exhibit 82?	3	in a car and I followed this clerk, right,
4	(Whereupon, Plaintiff's Exhibit	4	in the last exhibit that we just looked at;
5	82, previously marked, was	5	is that correct?
6	introduced.)	6	A. What are you reading?
7	Q. Do you recognize George Han's	7	O. The last exhibit "that he
8	name there?	8	followed clerk with his car and stopped the
9	A. I see the name George Han.	9	clerk's car from moving."
10	O. It indicates here a little bit	10	Do you remember that, the last
11	further down if I could. It indicates on	11	exhibit, Exhibit 81?
12	that second paragraph down I'm going to	12	A. Is it in the same paragraph
13	read it to you, "George C was waiting at	13	that I just read?
14	the entrance at the parking lot in his car.	14	Q. No, it's is the previous
15	He was in his car, it says. George stopped	15	exhibit, Exhibit 81.
16	behind him."	16	A. I honestly don't recall. I
17	A. I'm not following from	17	don't know, I'll take your word for it,
18	the paragraph starting "Wednesday he	18	it's there, I don't know.
19	paragraph C approached G, is that where you	19	Q. Fine. That's what Bushra
20	are reading?	20	Vahdat said concerning that incident.
21	Q. I'm talking about the last	21	That Mr. Capogrosso followed
22	paragraph on that page, "he approached G	22	him in his car and stopped the clerk's car
23	again and said" do you see that?	23	from moving.
24	A. I see that.	24	Is Bushra Vahdat lying there?
25	Q. Fine.	25	A. I have no way of knowing.
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	And George says, "that	2	Q. Was that a true and accurate
3	Capogrosso was at the entrance of the	3	affidavit as to what happened?
4	parking lot in his car."	4	A. I didn't write the affidavit, I
5	Do you see that written?	5	don't know I wasn't there when, you
6	A. "Mr. C was waiting at the	6	know, when the incident occurred.
7	entrance of the parking lot in his car," I	7	Q. Did you investigate the
8 9	see that, yes.	8	voracity and truthfulness of that
_	Q. Fine.	9	affidavit?
10 11	"In his car and George stopped	10	A. I don't question my supervisor.
12	him George stopped behind him."  Do you see that statement?	11	She did independent work, she did
13	A. I do.	13	independent work.
14	Q. And then both got out of the	14	Q. So, you just accepted that as truthful, that complaint is just accepted
15	car.	15	by you as truthful; is that correct?
16	Do you see that statement?	16	MR. THOMPSON: Objection to the
17	A. I do.	17	form of the connection. You can
1,6 1,8	Q. Let me ask you a question, as	18	answer.
19	an attorney, after a full day of work in	19	A. I accepted it for what it was
20	your courthouse and you know house busy it	20	worth.
21	gets down there, am I allowed as an	21	Q. But, you didn't know whether it
22	attorney to sit in my car and make phone	22	was truthful or not, and you gave me no
23	calls?	23	opportunity to respond; is that true?
		1	
	A. I imagine anybody could sit in	1 24	A. I didn't ask you anvining that
24 25	<ul> <li>A. I imagine anybody could sit in a car and make phone calls.</li> </ul>	24 25	A. I didn't ask you anything that I recall. I may have, I don't recall

10 (Pages 37 to 40)

		1	
	Page 41		Page 43
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	whether I asked you anything about it or	2	to my office that I could respond to?
3	not.	3	A. Nothing in writing.
4	Q. And you received nothing in	4	Q. Did you ever spell out what the
5	terms of an affidavit from me to your	5	threatening behavior was so I could respond
6	office in response to that, now did you?	6	to it?
7	A. I don't believe I received an	7	A. Whenever I called you in, it
8	affidavit from you in response.	8	was with a specific occasion and we spoke
9	Q. You have all the affidavits	9	about that particular occasion.
10	that were filed in your office, do you not?	10	Q. Can you give me one occasion
11	A. I don't know if I received all	11	that you spoke to me about, just one?
12	of the affidavits, I don't know.	12	A. I don't recall at this time any
13	Q. Let's go to one more if I	13	specific one.
14	could. I have to question you on this one,	14	Q. But, you had me removed based
15	I really do. I have to question you on	15	on these alleged threatening behavior; am I
16	this one. Give me one moment. Exhibit 73.	16	right?
17	(Whereupon, Plaintiff's Exhibit	17	A. Yes.
18	73, previously marked, was	18	Q. So, you can't recall just one
19	introduced.)	19	instance?
20	Q. Are you familiar with that	20	A. No, not at this time. There
21	document, Defendant Gelbstein?	21	were so many, I don't know, I just can't
22	A. I see it's an Affirmation that	22	tell you with specificity.
23	I made.	23	MR. CAPOGROSSO: I'll question
24	Q. With respect to my conduct at	24	you more at trial, it's okay. I
25	the Brooklyn TVB; am I right?	25	don't have enough time right now,
	the Brooklyn 1 v B, am 1 ngm.	-	don't have chough time right how,
	Page 42		Page 44
1 7	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	A. I assume not reading it, but	2	I'll question you at trial.
3	I assume if you tell me that's what it is,	3	MR. THOMPSON: Objection.
4	that's what it is.	4	MR. CAPOGROSSO: That's fine,
5	Q. It's your signature at the	5	I'll withdraw it.
6	bottom of that page, is it not?	6	Q. I direct your attention to Item
7	A. I don't see the signature.	7	Number 6, Paragraph Number 6 because I have
8	Q. Can we please go down to the	8	to question you on this one.
9	end of that page, Ma'am?	9	You indicate in Paragraph 6,
10	(Whereupon, the Court Reporter	10	"Petitioner often uses anti-Semitic
11	scrolled to the bottom of the page.)	11	languages when referring or speaking to
12	Q. Do you see your signature at	12	Jewish attorneys."
13	the bottom of that page'?	13	Can you tell me when I did
14	A. Yes, that's my signature.	14	this?
15	Q. So, that is your Affirmation?	15	A. I don't recall the dates.
16	A. Yes.	16	Q. You don't?
17	Q. I'm going to direct your	17	A. No.
18	attention to Paragraph 2.	18	Q. But, you're using this an
19	"On numerous occasions I	19	allegation to get me removed; right?
20	personally warned petitioner of threatening	20	A. As one of the allegations.
21	behavior."	21	Q. All right.
22	Can you tell me the dates that	22	This one you got to remember
23	you warned me?	23	Defendant Gelbstein, you also state,
24	A. No.	24	"Petitioner called me a beanie wearing
	0 501	1 25	tt II
25	Q. Did you put anything in writing	25	kyke."

Page 45 Page 47 1 **ALAN GELBSTEIN** 1 ALAN GELBSTEIN 2 2 When did I say that? absolute lie. 3 3 A. I don't remember the date, but MR. THOMPSON: Objection. 4 I will tell you exactly where you told me 4 Q. And you don't recall the 5 because I was a little shocked. We were 5 circumstances that precipitated that or 6 outside my office to the right about, I 6 initiated that? 7 would say, maybe 12 feet from my door, 7 A. No, I don't. 8 about midway in the hallway between the 8 Q. Now, you wrote this affidavit 9 clerical office door building and let's say 9 on May 3, 2012; is that right? 10 my office. 10 A. If that's what it says, that's 11 Just midway about 12 feet 11 when I wrote it. 12 towards the beach. I was facing you and 12 Q. And that's when I was removed 13 you were facing me and it was part of a 13 from the Brooklyn TVB and that was when I 14 conversation. I don't remember the rest of 14 was removed from the Brooklyn TVB in 15 the conversation, but that particular part, December of 2011. 15 16 you know, kind of seared into my brain. 16 It was after that date; right? 17 Q. Seared into you and you didn't 17 A. I don't recall when you were 18 write it down, did you? 18 removed. I don't know the dates. 19 A. No, sir. 19 Q. Well, I had an incident with a 20 Q. You didn't do -- you didn't 20 Yakov Brody on December 22, 2011, do you 21 formalize this in any written document or 21 remember that? 22 any written complaint? 22 A. I remember -- I know of the 23 A. Not that I recall. 23 incident. 24 Q. And why didn't you? 24 O. Did you ever ask for my 25 A. I didn't think it was 25 affidavit with respect to that incident? Page 46 Page 48 ALAN GELBŞTEIN 7 1 **ALAN GELBSTEIN** 2 2 necessary. A. I did not ask you for an 3 Q. But, you used it to get me 3 affidavit. 4 removed from the Brooklyn TVB, are you not? 4 Q. So, you just assumed what Yakov 5 A. Not for that particular 5 Brody was saying was the truth; right? 6 statement. It was just one of many, what I 6 MR. THOMPSON: Objection to the 7 would call, offenses. It wasn't because of 7 form. You can answer. 8 8 that, that I had you removed. A. Again, I don't recall with 9 O. You don't -- and this -- what 9 specificity, but I'm sure that I spoke to 10 precipitated that conversation, do you 10 all the parties involved. 11 remember that? Q. Did you think my affidavit 11 12 A. No. 12 because you took Yakov Brody's affidavit 13 O. Do you have any complaints from 13 and every other attorney in the Brooklyn 14 a motorist or a client that I ever used an 14 TVB's affidavit, but you didn't take mine. 15 anti-Semitic or racist remark? 15 So, why wouldn't you take mine? 16 MR. THOMPSON: Objection. A. Not from a motorist. 16 17 Or from a client; is that 17 A. Had you proffered one, I would 18 right? 18 have taken one. 19 19 Q. You never gave me the A. From a client I don't believe 20 20 opportunity to and never asked for one, but so. 21 Q. But, I happen to call a Judge a 21 you asked every attorney to give you one? 22 beanie wearing kyke, is that your 22 A. Excuse me, I didn't ask anybody 23 testimony? 23 for an affidavit. They came to me and they 24 A. You called me. 24 presented me with one. 25 Q. I don't believe you. That's an 25 O. On December -- after the

		, ,	
1	Page 49		Page 51
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	incident with Yakov Brody you told me I was	2	A. No, that's not fair.
3	not welcome in the Brooklyn TVB any longer;	3	Q. When did you receive an
4	is that correct?	4	attidavit in response?
5	A. I don't recall saying that.	5	A. I never received one from you.
6	Q. How was I going to get you an	6	Q. So, you're saying I'm allowing
7	affidavit?	7	you to remove me from the Brooklyn TVB and
8	A. I leave you to your devices how	8	I'm not going to file an affidavit in
9	you get affidavits to anybody.	9	response, is that what you're telling me?
10	Q. You gave my no opportunity to	10	MR. THOMPSON: Objection,
11	respond, is that true, by way of affidavit?	11	assumes
12	A. No, that's not true.	12	A. I can't tell you what you're
13	Q. What opportunity did you give	13	going to do.
14	me to respond?	14	Q. Now, let me get to some of the
15	A. Had you presented me with an	15	more were you personally involved,
16	affidavit, I would have taken it.	16	Defendant Gelbstein, in my removal from the
17	Q. Did you give me a hearing on	17	DMV, Brooklyn TVB and from the practice of
18	any of these allegations against me, did	18	law in all New York TVBs on the morning of
19	you give me a hearing?	19	May 11, 2015?
20	A. I did not give you a hearing.	20	MR. THOMPSON: Objection.
21	Q. Did you give me the opportunity	21	A. I don't know what you mean by
22	to present testimony?	22	personally involved?
23	A. I didn't. There was no	23	Q. Did you have Defendant Calvo
24	hearing, there was no testimony.	24	remove me?
25	Q. Did you give me the opportunity	25	A. I don't remember with
	Page 50		Page 52
7	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2.	to present evidence in response?	2	specificity, but certainly you were
3	A. You could have presented	3	removed.
4	evidence like every other attorney who	4	Q. And that was by your direction,
5	presented evidence.	5	was it not?
6	Q. Did you show me the affidavit	6	MR. THOMPSON: Objection, asked
7	that was being used against me, did you	7	
			and answered. You can respond.
8	ever show me Yakov Brody's affidavit?	8	and answered. You can respond.  THE WITNESS: I beg your
8 9	A. I did not.	8 9	
		1	THE WITNESS: I beg your
9	A. I did not.	9	THE WITNESS: I beg your pardon, Counselor?
9 10	<ul><li>A. I did not.</li><li>Q. So, how could I have responded</li></ul>	9 10	THE WITNESS: I beg your pardon, Counselor?  MR. THOMPSON: You can answer.
9 10 11	A. I did not. Q. So, how could I have responded to what he said against me; you are a judge	9 10 11	THE WITNESS: I beg your pardon, Counselor?  MR. THOMPSON: You can answer.  A. Yeah, I don't know if it was my
9 10 11 12	A. I did not. Q. So, how could I have responded to what he said against me; you are a judge am I right?	9 10 11 12	THE WITNESS: I beg your pardon, Counselor?  MR. THOMPSON: You can answer.  A. Yeah, I don't know if it was my ultimate direction or I was taking counsel
9 10 11 12 13	A. I did not. Q. So, how could I have responded to what he said against me; you are a judge am I right? A. I'm not a judge with regard to	9 10 11 12 13	THE WITNESS: I beg your pardon, Counselor?  MR. THOMPSON: You can answer.  A. Yeah, I don't know if it was my ultimate direction or I was taking counsel from others above me who gave me direction
9 10 11 12 13	A. I did not. Q. So, how could I have responded to what he said against me; you are a judge am I right? A. I'm not a judge with regard to interactions between the various attorneys	9 10 11 12 13 14	THE WITNESS: I beg your pardon, Counselor?  MR. THOMPSON: You can answer.  A. Yeah, I don't know if it was my ultimate direction or I was taking counsel from others above me who gave me direction to do it.
9 10 11 12 13 14	A. I did not. Q. So, how could I have responded to what he said against me; you are a judge am I right? A. I'm not a judge with regard to interactions between the various attorneys in the office. I'm a judge with regard to	9 10 11 12 13 14 15	THE WITNESS: I beg your pardon, Counselor?  MR. THOMPSON: You can answer.  A. Yeah, I don't know if it was my ultimate direction or I was taking counsel from others above me who gave me direction to do it.  Q. Are you throwing Danielle under
9 10 11 12 13 14 15	A. I did not. Q. So, how could I have responded to what he said against me; you are a judge am I right? A. I'm not a judge with regard to interactions between the various attorneys in the office. I'm a judge with regard to motorists, police officers and specific	9 10 11 12 13 14 15 16	THE WITNESS: I beg your pardon, Counselor?  MR. THOMPSON: You can answer.  A. Yeah, I don't know if it was my ultimate direction or I was taking counsel from others above me who gave me direction to do it.  Q. Are you throwing Danielle under the bus, is that what you're doing
9 10 11 12 13 14 15 16 17	A. I did not. Q. So, how could I have responded to what he said against me; you are a judge am I right? A. I'm not a judge with regard to interactions between the various attorneys in the office. I'm a judge with regard to motorists, police officers and specific charges against them.	9 10 11 12 13 14 15 16 17	THE WITNESS: I beg your pardon, Counselor?  MR. THOMPSON: You can answer.  A. Yeah, I don't know if it was my ultimate direction or I was taking counsel from others above me who gave me direction to do it.  Q. Are you throwing Danielle under the bus, is that what you're doing Defendant Gelbstein?  MR. THOMPSON: Objection to the form of the question.
9 10 11 12 13 14 15 16 17 18 19 20	A. I did not. Q. So, how could I have responded to what he said against me; you are a judge am I right? A. I'm not a judge with regard to interactions between the various attorneys in the office. I'm a judge with regard to motorists, police officers and specific charges against them. Q. But, you had me removed on all	9 10 11 12 13 14 15 16 17	THE WITNESS: I beg your pardon, Counselor?  MR. THOMPSON: You can answer.  A. Yeah, I don't know if it was my ultimate direction or I was taking counsel from others above me who gave me direction to do it.  Q. Are you throwing Danielle under the bus, is that what you're doing Defendant Gelbstein?  MR. THOMPSON: Objection to the form of the question.  Q. Are you letting Defendant Calvo
9 10 11 12 13 14 15 16 17 18 19 20 21	A. I did not. Q. So, how could I have responded to what he said against me; you are a judge am I right? A. I'm not a judge with regard to interactions between the various attorneys in the office. I'm a judge with regard to motorists, police officers and specific charges against them. Q. But, you had me removed on all those affidavits and all those allegations against my conduct without ever giving me an opportunity to present an affidavit in	9 10 11 12 13 14 15 16 17 18 19 20 21	THE WITNESS: I beg your pardon, Counselor?  MR. THOMPSON: You can answer.  A. Yeah, I don't know if it was my ultimate direction or I was taking counsel from others above me who gave me direction to do it.  Q. Are you throwing Danielle under the bus, is that what you're doing Defendant Gelbstein?  MR. THOMPSON: Objection to the form of the question.  Q. Are you letting Defendant Calvo take the blame for this incident, is that
9 10 11 12 13 14 15 16 17 18 19 20	A. I did not. Q. So, how could I have responded to what he said against me; you are a judge am I right? A. I'm not a judge with regard to interactions between the various attorneys in the office. I'm a judge with regard to motorists, police officers and specific charges against them. Q. But, you had me removed on all those affidavits and all those allegations against my conduct without ever giving me an opportunity to present an affidavit in response.	9 10 11 12 13 14 15 16 17 18 19 20 21	THE WITNESS: I beg your pardon, Counselor?  MR. THOMPSON: You can answer.  A. Yeah, I don't know if it was my ultimate direction or I was taking counsel from others above me who gave me direction to do it.  Q. Are you throwing Danielle under the bus, is that what you're doing Defendant Gelbstein?  MR. THOMPSON: Objection to the form of the question.  Q. Are you letting Defendant Calvo
9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. I did not. Q. So, how could I have responded to what he said against me; you are a judge am I right? A. I'm not a judge with regard to interactions between the various attorneys in the office. I'm a judge with regard to motorists, police officers and specific charges against them. Q. But, you had me removed on all those affidavits and all those allegations against my conduct without ever giving me an opportunity to present an affidavit in response.  Is that fair?	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE WITNESS: I beg your pardon, Counselor?  MR. THOMPSON: You can answer.  A. Yeah, I don't know if it was my ultimate direction or I was taking counsel from others above me who gave me direction to do it.  Q. Are you throwing Danielle under the bus, is that what you're doing Defendant Gelbstein?  MR. THOMPSON: Objection to the form of the question.  Q. Are you letting Defendant Calvo take the blame for this incident, is that
9 10 11 12 13 14 15 16 17 18 19 20 21	A. I did not. Q. So, how could I have responded to what he said against me; you are a judge am I right? A. I'm not a judge with regard to interactions between the various attorneys in the office. I'm a judge with regard to motorists, police officers and specific charges against them. Q. But, you had me removed on all those affidavits and all those allegations against my conduct without ever giving me an opportunity to present an affidavit in response.	9 10 11 12 13 14 15 16 17 18 19 20 21	THE WITNESS: I beg your pardon, Counselor?  MR. THOMPSON: You can answer.  A. Yeah, I don't know if it was my ultimate direction or I was taking counsel from others above me who gave me direction to do it.  Q. Are you throwing Danielle under the bus, is that what you're doing Defendant Gelbstein?  MR. THOMPSON: Objection to the form of the question.  Q. Are you letting Defendant Calvo take the blame for this incident, is that what you're doing?

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1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	Q. Because the police report that	2	A. No.
3	I showed you earlier indicated that Judge	3	Q. Did you have the ability to
4	Gelbstein, it indicated, that I was told by	4	control the actions of Defendant Smart?
5	Judge Gelbstein to go to the police room	5	A. In theory I could control him
6	and have the police officers remove me from	6	totally, but I did not direct his
7	the Brooklyn TVB, right, you saw that	7	day-to-day activity.
8	A. I did.	8	Q. Who directed his day-to-day
9	Q police report.	9	activities?
10	So, you're stating now that you	10	A. The clerical supervisor.
11	are not personally involved in my removal,	11	Q. Who is she?
12	is that what you are stating?	12	A. Either the two principal clerks
13	A. No, that's not what I'm	13	at the time, or the supervising clerk.
14	stating.	14	Q. What's their names?
15	Q. I'll ask it again.	15	A. Danielle was the chief clerk
16	Were you personally involved in	16	and the other one was Levine at the time.
17	my removal from the Brooklyn TVB?	17	Q. Now, I made complaints against
18	MR. THOMPSON: Objection, asked	18	Defendant Smart, written complaints to your
19	and answered. You can answer.	19	office, did you pass those complaints onto
20	A. I certainly had involvement.	20	the clerical supervisors?
21	Q. Now, did you have me removed	21	A. No, I personally called him
22	because you read the letter of March 20th	22	into my office when you complained about
23	of 2015 which I complained about your	23	him.
24	actions and your conduct at the Brooklyn	24	Q. I made a complaint, I made
25	TVB?	25	several complaints. I made one complaint
	Page 54		Page 56
_		_	_
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	A. Which letter is that?	2	that Defendant Smart stole \$80 on a \$100
3	Q. The March 20, 2015 letter that	3	fee.
4	I wrote to Pricket-Morgan?	4	Do you recall me making that
5	A. No, it had nothing to do with	5	complaint to you?
6	that letter.	6	A. Not that specific complaint.
7	Q. Were you offended by that	7	Q. In June of 2012 I made a
8	letter that I called you that I told you	8	complaint that Defendant Smart stole a fee,
	that you ware incomple incompatent and	19	
9	that you were incapable, incompetent and	10	you don't recall me making that complaint
10	complicit?	10	to you?
10 11	complicit?  A. Not at all. No, I was not	11	to you?  A. You might have.
10 11 12	complicit?  A. Not at all. No, I was not offended.	11 12	to you?  A. You might have. Q. Was an investigation made
10 11 12 13	complicit?  A. Not at all. No, I was not offended.  Q. You were not offended?	11 12 13	to you?  A. You might have. Q. Was an investigation made concerning the theft by your office?
10 11 12 13 14	complicit?  A. Not at all. No, I was not offended.  Q. You were not offended?  A. No, sir.	11 12 13 14	to you?  A. You might have. Q. Was an investigation made concerning the theft by your office? A. I don't recall at this time.
10 11 12 13 14 15	complicit?  A. Not at all. No, I was not offended.  Q. You were not offended?  A. No, sir.  Q. You were not mad at that?	11 12 13 14 15	to you?  A. You might have. Q. Was an investigation made concerning the theft by your office? A. I don't recall at this time. Q. So, an investigation might have
10 11 12 13 14 15	complicit?  A. Not at all. No, I was not offended.  Q. You were not offended?  A. No, sir.  Q. You were not mad at that?  A. No, sir.	11 12 13 14 15 16	to you?  A. You might have. Q. Was an investigation made concerning the theft by your office? A. I don't recall at this time. Q. So, an investigation might have been made, is that what you're saying?
10 11 12 13 14 15 16	complicit?  A. Not at all. No, I was not offended.  Q. You were not offended?  A. No, sir.  Q. You were not mad at that?  A. No, sir.  Q. You had no animus against me	11 12 13 14 15 16 17	A. You might have. Q. Was an investigation made concerning the theft by your office? A. I don't recall at this time. Q. So, an investigation might have been made, is that what you're saying? A. Might have been.
10 11 12 13 14 15 16 17	complicit?  A. Not at all. No, I was not offended.  Q. You were not offended?  A. No, sir.  Q. You were not mad at that?  A. No, sir.  Q. You had no animus against me because of that letter?	11 12 13 14 15 16 17 18	A. You might have. Q. Was an investigation made concerning the theft by your office? A. I don't recall at this time. Q. So, an investigation might have been made, is that what you're saying? A. Might have been. Q. Do you recall the results of
10 11 12 13 14 15 16 17 18	complicit?  A. Not at all. No, I was not offended.  Q. You were not offended?  A. No, sir.  Q. You were not mad at that?  A. No, sir.  Q. You had no animus against me because of that letter?  A. None whatsoever.	11 12 13 14 15 16 17 18	A. You might have. Q. Was an investigation made concerning the theft by your office? A. I don't recall at this time. Q. So, an investigation might have been made, is that what you're saying? A. Might have been. Q. Do you recall the results of that investigation?
10 11 12 13 14 15 16 17 18 19 20	complicit?  A. Not at all. No, I was not offended.  Q. You were not offended?  A. No, sir.  Q. You were not mad at that?  A. No, sir.  Q. You had no animus against me because of that letter?  A. None whatsoever.  Q. You're a better man than I am.	11 12 13 14 15 16 17 18 19 20	A. You might have. Q. Was an investigation made concerning the theft by your office? A. I don't recall at this time. Q. So, an investigation might have been made, is that what you're saying? A. Might have been. Q. Do you recall the results of that investigation? A. No, I don't remember the
10 11 12 13 14 15 16 17 18 19 20 21	complicit?  A. Not at all. No, I was not offended.  Q. You were not offended?  A. No, sir.  Q. You were not mad at that?  A. No, sir.  Q. You had no animus against me because of that letter?  A. None whatsoever.  Q. You're a better man than I am.  Were you negligent in the	11 12 13 14 15 16 17 18 19 20 21	A. You might have. Q. Was an investigation made concerning the theft by your office? A. I don't recall at this time. Q. So, an investigation might have been made, is that what you're saying? A. Might have been. Q. Do you recall the results of that investigation? A. No, I don't remember the results of any investigation.
10 11 12 13 14 15 16 17 18 19 20 21 22	complicit?  A. Not at all. No, I was not offended.  Q. You were not offended?  A. No, sir.  Q. You were not mad at that?  A. No, sir.  Q. You had no animus against me because of that letter?  A. None whatsoever.  Q. You're a better man than I am.  Were you negligent in the supervision of Defendant Smart?	11 12 13 14 15 16 17 18 19 20 21 22	A. You might have. Q. Was an investigation made concerning the theft by your office? A. I don't recall at this time. Q. So, an investigation might have been made, is that what you're saying? A. Might have been. Q. Do you recall the results of that investigation? A. No, I don't remember the results of any investigation. Q. So, it's fair to say that
10 11 12 13 14 15 16 17 18 19 20 21 22 23	complicit?  A. Not at all. No, I was not offended.  Q. You were not offended?  A. No, sir.  Q. You were not mad at that?  A. No, sir.  Q. You had no animus against me because of that letter?  A. None whatsoever.  Q. You're a better man than I am.  Were you negligent in the supervision of Defendant Smart?  MR. THOMPSON: Objection, calls	11 12 13 14 15 16 17 18 19 20 21 22 23	A. You might have. Q. Was an investigation made concerning the theft by your office? A. I don't recall at this time. Q. So, an investigation might have been made, is that what you're saying? A. Might have been. Q. Do you recall the results of that investigation? A. No, I don't remember the results of any investigation. Q. So, it's fair to say that I'm saying that Defendant Smart stole \$80
10 11 12 13 14 15 16 17 18 19 20 21 22	complicit?  A. Not at all. No, I was not offended.  Q. You were not offended?  A. No, sir.  Q. You were not mad at that?  A. No, sir.  Q. You had no animus against me because of that letter?  A. None whatsoever.  Q. You're a better man than I am.  Were you negligent in the supervision of Defendant Smart?	11 12 13 14 15 16 17 18 19 20 21 22	A. You might have. Q. Was an investigation made concerning the theft by your office? A. I don't recall at this time. Q. So, an investigation might have been made, is that what you're saying? A. Might have been. Q. Do you recall the results of that investigation? A. No, I don't remember the results of any investigation. Q. So, it's fair to say that

14 (Pages 53 to 56)

Page 57 Page 59 1 **ALAN GELBSTEIN** ALAN GELBSTEIN 2 2 complaint concerning the theft; is that Defendant Smart stood up, gave me a spear 3 3 hand and the sign of the cross and pointed correct? 4 MR. THOMPSON: Objection to 4 it directly at me. 5 5 form, you can answer. Do you recall that complaint to 6 6 A. Well, again, I don't recall the your office? 7 7 A. No. complaint with particularity nor my 8 8 investigation of such an event nor my Q. Did you take any action with respect to that complaint? 9 conclusions based on my investigation had I 9 10 indeed investigated. 10 A. I don't recall. 11 11 Q. So, you swept my complaint Q. Did you look at the videotape under the rug, is that a fair statement? 12 with respect to that complaint? 12 MR. THOMPSON: Objection to 13 A. I don't recall. 13 14 14 Q. Do you recall that I made a form. 15 15 complaint to your office that I was A. No, it's not a fair statement. 16 standing near one of your trash cans in the 16 Q. What did you do in reference to 17 17 Brooklyn TVB and there was an umbrella my complaint that he stole \$80? 18 A. I don't recall the specific 18 laying on the can? 19 A. I kind of remember that, yes. 19 complaint. I don't recall the result of an 20 Q. And Defendant Smart said, 20 investigation and I don't recall any 21 "don't touch it or else," do you recall 21 conclusion I may have reached at the time. 22 22 You're talking about something that that? 23 23 A. No, he didn't say it in my occurred in 2012, when we're now in the 24 24 cusp of 2021. 25 Q. But, you recall me complaining 25 Q. But, after I made that Page 58 Page 60 1 ALAN GELBSTEIN 7 **ALAN GELBSTEIN** 2 complaint it's fair to say that Defendant 2 to you of that? 3 Smart is still working at the Brooklyn TVB? 3 A. I remember there was a to-do 4 4 A. Yes. with you, I don't remember with Smart so 5 5 Q. And after that complaint, that much as it was one of my principal clerks 6 6 is when Defendant Smart harassment began, that brought the complaint to my attention. 7 7 Q. That I moved an umbrella? is that a fair statement? 8 8 A. An umbrella or a clip. I'm A. No. 9 MR. THOMPSON: Objection to 9 trying - a paper clip, it was something, I 10 10 don't remember what it was. I remember it 11 11 was what I had in my estimation a Q. Well, were there complaints of 12 harassments and threats and threats of 12 ridiculous argument about a garbage can and 13 physical contact on my person, after I made 13 being it moved and something above it. 14 that complaint to your office? 14 Q. It had nothing to do with a garbage can, it was a threat by Mr. Smart 15 A. I don't recall. 15 -- Defendant Smart, upon my person? 16 Q. Were there complaints made to 16 17 your office after that report of theft to 17 A. I don't remember that aspect of 18 18 it. I just remember there was a garbage 19 A. I don't remember the sequences 19 can and stuff on it, as you say, either an 20 of events, whether it was before or after. 20 umbrella or it might have been a paper 21 I don't recall. 21 clip, but something to do about you and a 22 Q. I'll bring them to your 22 garbage can, that's what I recall. 23 attention. 23 Q. It was an umbrella that I was 24 24 Do you recall in December of told not to move or else by your security 25 25 2014 that I made a complaint to you that guard Defendant Smart?

15 (Pages 57 to 60)

1			
	Page 61		Page 63
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	A. I don't recall.	2	Q. Well, let me show you the
3	MR. THOMPSON: Objection to	3	police report. Let me show you the police
4	form.	4	report.
5	A. I don't recall that aspect of	5	Can we go to Exhibit 67?
6	it.	6	(Whereupon, Plaintiff's Exhibit
7	Q. Did you have a deliberate	7	67, previously marked, was
8	indifference and callousness to my	8	introduced.)
9	complaints?	9	Q. Now, do you know who that name
10	A. I'm sorry, repeat?	10	is at the top Danielle Calvo?
11	MR. THOMPSON: Objection to the	11	A. Yes.
12	form of the question.	12	Q. Is she your clerk supervisor?
13	Q. Did you have an deliberate	13	A. Yes.
14	indifference and callousness to my	14	Q. I'll direct your attention to
15	complaints?	15	the third page of that exhibit, Ma'am, if
16	A. Callousness?	16	we could.
17	Q. To responding to my complaints?	17	I ask you to look at this first
18	MR. THOMPSON: Objection to the	18	paragraph and I direct your attention to
19	form, you can answer.	19	this first paragraph it says, "Mr.
20	A. I don't understand the	20	Capogrosso said back up, back up."
21	question.	21	Did you take note of that
22	Q. Were you indifferent to my	22	police report when I said "back up, back
23	complaints?	23	up"?
24	A. No, I take every complaint from	24	A. Yes, I see it.
25	every individual.	25	Q. What was your opinion of that
_	Page 62		Page 64
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	Q. But, after I made the	2	report?
3	complaints, the harassment continued, is	3	A. My opinion? My opinion was
4	that fair to say?	4	that regardless of whatever words were spoken, no one showed ever make contact
5	MR. THOMPSON: Objection to		snoken no one snowed ever make contact
6		5	
7	form, you can answer.	6	physically with another individual.
7	A. That your harassment or being	6 7	physically with another individual.  Q. Did you know or did you look at
8	A. That your harassment or being harassed?	6 7 8	physically with another individual.  Q. Did you know or did you look at the tape that Defendant Smart approached me
8 9	A. That your harassment or being harassed?     Q. My harassment by Defendant	6 7 8 9	physically with another individual.  Q. Did you know or did you look at the tape that Defendant Smart approached me from about 20 feet away?
8 9 10	A. That your harassment or being harassed? Q. My harassment by Defendant Smart, is that fair to say?	6 7 8 9 10	physically with another individual.  Q. Did you know or did you look at the tape that Defendant Smart approached me from about 20 feet away?  MR. THOMPSON: Objection,
8 9 10 11	A. That your harassment or being harassed? Q. My harassment by Defendant Smart, is that fair to say? A. No.	6 7 8 9 10	physically with another individual.  Q. Did you know or did you look at the tape that Defendant Smart approached me from about 20 feet away?  MR. THOMPSON: Objection, argumentative, asked and answered.
8 9 10 11 12	<ul> <li>A. That your harassment or being harassed?</li> <li>Q. My harassment by Defendant</li> <li>Smart, is that fair to say?</li> <li>A. No.</li> <li>Q. Defendant Smart approach me on</li> </ul>	6 7 8 9 10 11 12	physically with another individual.  Q. Did you know or did you look at the tape that Defendant Smart approached me from about 20 feet away?  MR. THOMPSON: Objection, argumentative, asked and answered.  Q. Do you have any knowledge as to
8 9 10 11 12 13	A. That your harassment or being harassed? Q. My harassment by Defendant Smart, is that fair to say? A. No. Q. Defendant Smart approach me on the morning of May 11, 2015 unprovoked?	6 7 8 9 10 11 12 13	physically with another individual.  Q. Did you know or did you look at the tape that Defendant Smart approached me from about 20 feet away?  MR. THOMPSON: Objection, argumentative, asked and answered.  Q. Do you have any knowledge as to how Defendant Smart approached me?
8 9 10 11 12 13	A. That your harassment or being harassed? Q. My harassment by Defendant Smart, is that fair to say? A. No. Q. Defendant Smart approach me on the morning of May 11, 2015 unprovoked? A. I don't know.	6 7 8 9 10 11 12 13 14	physically with another individual.  Q. Did you know or did you look at the tape that Defendant Smart approached me from about 20 feet away?  MR. THOMPSON: Objection, argumentative, asked and answered.  Q. Do you have any knowledge as to how Defendant Smart approached me?  A. I was not there, I have no
8 9 10 11 12 13 14 15	A. That your harassment or being harassed? Q. My harassment by Defendant Smart, is that fair to say? A. No. Q. Defendant Smart approach me on the morning of May 11, 2015 unprovoked? A. I don't know. Q. The police report indicates I	6 7 8 9 10 11 12 13 14 15	physically with another individual.  Q. Did you know or did you look at the tape that Defendant Smart approached me from about 20 feet away?  MR. THOMPSON: Objection, argumentative, asked and answered.  Q. Do you have any knowledge as to how Defendant Smart approached me?  A. I was not there, I have no idea.
8 9 10 11 12 13 14 15	A. That your harassment or being harassed? Q. My harassment by Defendant Smart, is that fair to say? A. No. Q. Defendant Smart approach me on the morning of May 11, 2015 unprovoked? A. I don't know. Q. The police report indicates I told him to "back up, back up"; is that	6 7 8 9 10 11 12 13 14 15 16	physically with another individual.  Q. Did you know or did you look at the tape that Defendant Smart approached me from about 20 feet away?  MR. THOMPSON: Objection, argumentative, asked and answered.  Q. Do you have any knowledge as to how Defendant Smart approached me?  A. I was not there, I have no idea.  Q. And you didn't look at the
8 9 10 11 12 13 14 15 16	A. That your harassment or being harassed? Q. My harassment by Defendant Smart, is that fair to say? A. No. Q. Defendant Smart approach me on the morning of May 11, 2015 unprovoked? A. I don't know. Q. The police report indicates I told him to "back up, back up"; is that fair to say?	6 7 8 9 10 11 12 13 14 15 16	physically with another individual.  Q. Did you know or did you look at the tape that Defendant Smart approached me from about 20 feet away?  MR. THOMPSON: Objection, argumentative, asked and answered.  Q. Do you have any knowledge as to how Defendant Smart approached me?  A. I was not there, I have no idea.  Q. And you didn't look at the videotape that morning, did you?
8 9 10 11 12 13 14 15 16 17	A. That your harassment or being harassed?  Q. My harassment by Defendant Smart, is that fair to say?  A. No. Q. Defendant Smart approach me on the morning of May 11, 2015 unprovoked?  A. I don't know. Q. The police report indicates I told him to "back up, back up"; is that fair to say?  A. I wasn't there, I could not	6 7 8 9 10 11 12 13 14 15 16 17	physically with another individual.  Q. Did you know or did you look at the tape that Defendant Smart approached me from about 20 feet away?  MR. THOMPSON: Objection, argumentative, asked and answered.  Q. Do you have any knowledge as to how Defendant Smart approached me?  A. I was not there, I have no idea.  Q. And you didn't look at the videotape that morning, did you?  A. I don't recall if I did or not.
8 9 10 11 12 13 14 15 16 17 18 19	A. That your harassment or being harassed?  Q. My harassment by Defendant Smart, is that fair to say?  A. No. Q. Defendant Smart approach me on the morning of May 11, 2015 unprovoked?  A. I don't know. Q. The police report indicates I told him to "back up, back up"; is that fair to say?  A. I wasn't there, I could not tell you.	6 7 8 9 10 11 12 13 14 15 16 17 78	physically with another individual.  Q. Did you know or did you look at the tape that Defendant Smart approached me from about 20 feet away?  MR. THOMPSON: Objection, argumentative, asked and answered. Q. Do you have any knowledge as to how Defendant Smart approached me?  A. I was not there, I have no idea.  Q. And you didn't look at the videotape that morning, did you?  A. I don't recall if I did or not. Q. Well, what if I was to tell you
8 9 10 11 12 13 14 15 16 17 18 19 20	A. That your harassment or being harassed?  Q. My harassment by Defendant Smart, is that fair to say?  A. No. Q. Defendant Smart approach me on the morning of May 11, 2015 unprovoked?  A. I don't know. Q. The police report indicates I told him to "back up, back up"; is that fair to say?  A. I wasn't there, I could not tell you. Q. Did you read the police report?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	physically with another individual.  Q. Did you know or did you look at the tape that Defendant Smart approached me from about 20 feet away?  MR. THOMPSON: Objection, argumentative, asked and answered. Q. Do you have any knowledge as to how Defendant Smart approached me?  A. I was not there, I have no idea.  Q. And you didn't look at the videotape that morning, did you?  A. I don't recall if I did or not. Q. Well, what if I was to tell you that Defendant Smart crossed over two
8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. That your harassment or being harassed?  Q. My harassment by Defendant Smart, is that fair to say?  A. No. Q. Defendant Smart approach me on the morning of May 11, 2015 unprovoked?  A. I don't know. Q. The police report indicates I told him to "back up, back up"; is that fair to say?  A. I wasn't there, I could not tell you. Q. Did you read the police report? A. At the time, yes.	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	physically with another individual.  Q. Did you know or did you look at the tape that Defendant Smart approached me from about 20 feet away?  MR. THOMPSON: Objection, argumentative, asked and answered. Q. Do you have any knowledge as to how Defendant Smart approached me?  A. I was not there, I have no idea.  Q. And you didn't look at the videotape that morning, did you?  A. I don't recall if I did or not. Q. Well, what if I was to tell you that Defendant Smart crossed over two security barriers, two, and got with within
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. That your harassment or being harassed?  Q. My harassment by Defendant Smart, is that fair to say?  A. No. Q. Defendant Smart approach me on the morning of May 11, 2015 unprovoked?  A. I don't know. Q. The police report indicates I told him to "back up, back up"; is that fair to say?  A. I wasn't there, I could not tell you. Q. Did you read the police report? A. At the time, yes. Q. And did it mention the fact	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	physically with another individual.  Q. Did you know or did you look at the tape that Defendant Smart approached me from about 20 feet away?  MR. THOMPSON: Objection, argumentative, asked and answered. Q. Do you have any knowledge as to how Defendant Smart approached me?  A. I was not there, I have no idea.  Q. And you didn't look at the videotape that morning, did you?  A. I don't recall if I did or not. Q. Well, what if I was to tell you that Defendant Smart crossed over two security barriers, two, and got with within three inches of my face with a clenched
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. That your harassment or being harassed?  Q. My harassment by Defendant Smart, is that fair to say?  A. No. Q. Defendant Smart approach me on the morning of May 11, 2015 unprovoked?  A. I don't know. Q. The police report indicates I told him to "back up, back up"; is that fair to say?  A. I wasn't there, I could not tell you. Q. Did you read the police report? A. At the time, yes. Q. And did it mention the fact that I said to Defendant Smart, "back up,	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	physically with another individual.  Q. Did you know or did you look at the tape that Defendant Smart approached me from about 20 feet away?  MR. THOMPSON: Objection, argumentative, asked and answered.  Q. Do you have any knowledge as to how Defendant Smart approached me?  A. I was not there, I have no idea.  Q. And you didn't look at the videotape that morning, did you?  A. I don't recall if I did or not.  Q. Well, what if I was to tell you that Defendant Smart crossed over two security barriers, two, and got with within three inches of my face with a clenched fist and a dipped head, what would you
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. That your harassment or being harassed?  Q. My harassment by Defendant Smart, is that fair to say?  A. No. Q. Defendant Smart approach me on the morning of May 11, 2015 unprovoked?  A. I don't know. Q. The police report indicates I told him to "back up, back up"; is that fair to say?  A. I wasn't there, I could not tell you. Q. Did you read the police report? A. At the time, yes. Q. And did it mention the fact	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	physically with another individual.  Q. Did you know or did you look at the tape that Defendant Smart approached me from about 20 feet away?  MR. THOMPSON: Objection, argumentative, asked and answered. Q. Do you have any knowledge as to how Defendant Smart approached me?  A. I was not there, I have no idea.  Q. And you didn't look at the videotape that morning, did you?  A. I don't recall if I did or not. Q. Well, what if I was to tell you that Defendant Smart crossed over two security barriers, two, and got with within three inches of my face with a clenched

16 (Pages 61 to 64)

1			
ĺ	Page 65		Page 67
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	form, you can answer.	2	79, previously marked, was
3	THE WITNESS: Answer that?	3	introduced.)
4	MR. THOMPSON: I object to the	<b>j</b> 4	Q. Do you recall that report?
5	form of the question, but yes, you	5	A. No, I don't.
6	can answer the question.	6	Q. Was that report made under your
7	A. It calls for my speculation, I	7	watch, under your term?
8	don't know what I would have thought at the	8	MR. THOMPSON: Objection to
9	time.	9	form.
10	Q. So, you're saying you condone	10	A. It occurred on May 16th of
11	the behavior of Defendant Smart getting	11	2013, so it would have occurred while I was
12	within three inches of my face, clenching	12	the supervising judge senior judge in
13	his fist and dipping his head?	13	that office.
14	MR. THOMPSON: Objection to the	14	Q. But you had no knowledge of
15	form.	15	that report?
16	<ul> <li>A. Had he done that, I would have</li> </ul>	16	A. I don't recall it. I don't
17	not been happy with his action.	17	recall this document coming to me. It
18	Q. But, you never confirmed what	18	seems that Mrs. Burke who was the
19	he did because you never look at the	19	supervisor of the other part of the
20	videotape; right?	20	building, the DMV, is involved with this
21	A. I don't recall.	21	one. I don't believe I am.
22	Q. Judge what do you get paid to	22	<li>Q. Well, obviously if there's an</li>
23	do at the Brooklyn TVB?	23	altercation or a confrontation to the
24	<ul> <li>A. I get paid to manage the</li> </ul>	24	people at Brooklyn TVB in some manner or
25	office, to supervise principally the judges	25	respect between a security guard and
·			
	Page 66		Page 68
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	at the office.	2	another security guard, PEC Group who was
3	Q. Do you have control of the	3	the annulation of Defendant Emant who
4	antinum of assumption day in the staffing?		the employer of Defendant Smart who
1	actions of everybody in that office?	4	Defendant Smart worked for, could be called
5	A. There's a hierarchy and as I	1	
5 6	A. There's a hierarchy and as I said, my principal job was to take care of	4 5 6	Defendant Smart worked for, could be called in to rectify it.  Is that fair?
5 6 7	A. There's a hierarchy and as I said, my principal job was to take care of the legal side, take care of the judges.	4 5	Defendant Smart worked for, could be called in to rectify it.
5 6 7 8	A. There's a hierarchy and as I said, my principal job was to take care of the legal side, take care of the judges.  There's questions about questions of law,	4 5 6	Defendant Smart worked for, could be called in to rectify it.  Is that fair?  MR. THOMPSON: Objection to form, you can answer.
5 6 7 8 9	A. There's a hierarchy and as I said, my principal job was to take care of the legal side, take care of the judges.  There's questions about questions of law, that type of thing. That was my bailiwick,	4 5 6 7 8 9	Defendant Smart worked for, could be called in to rectify it.  Is that fair?  MR. THOMPSON: Objection to form, you can answer.  A. Should be called in? I'm not
5 6 7 8 9	A. There's a hierarchy and as I said, my principal job was to take care of the legal side, take care of the judges. There's questions about questions of law, that type of thing. That was my bailiwick, most everything else was delegated to the	4 5 6 7 8 9	Defendant Smart worked for, could be called in to rectify it.  Is that fair?  MR. THOMPSON: Objection to form, you can answer.  A. Should be called in? I'm not sure I understand the question.
5 6 7 8 9 10	A. There's a hierarchy and as I said, my principal job was to take care of the legal side, take care of the judges. There's questions about questions of law, that type of thing. That was my bailiwick, most everything else was delegated to the clerical supervisory staff including the	4 5 6 7 8 9 10	Defendant Smart worked for, could be called in to rectify it.  Is that fair?  MR. THOMPSON: Objection to form, you can answer.  A. Should be called in? I'm not sure I understand the question.  Q. Did you ever call PEC Group
5 6 7 8 9 10 11 12	A. There's a hierarchy and as I said, my principal job was to take care of the legal side, take care of the judges. There's questions about questions of law, that type of thing. That was my bailiwick, most everything else was delegated to the clerical supervisory staff including the direct supervision of David Smart.	4 5 6 7 8 9 10 11 12	Defendant Smart worked for, could be called in to rectify it.  Is that fair?  MR. THOMPSON: Objection to form, you can answer.  A. Should be called in? I'm not sure I understand the question.  Q. Did you ever call PEC Group with respect to my complaints to you of the
5 6 7 8 9 10 11 12 13	A. There's a hierarchy and as I said, my principal job was to take care of the legal side, take care of the judges.  There's questions about questions of law, that type of thing. That was my bailiwick, most everything else was delegated to the clerical supervisory staff including the direct supervision of David Smart.  Q. So, Danielle Calvo is	4 5 6 7 8 9 10 11 12 13	Defendant Smart worked for, could be called in to rectify it.  Is that fair?  MR. THOMPSON: Objection to form, you can answer.  A. Should be called in? I'm not sure I understand the question.  Q. Did you ever call PEC Group with respect to my complaints to you of the harassment and threats by Defendant Smart?
5 6 7 8 9 10 11 12 13	A. There's a hierarchy and as I said, my principal job was to take care of the legal side, take care of the judges.  There's questions about questions of law, that type of thing. That was my bailiwick, most everything else was delegated to the clerical supervisory staff including the direct supervision of David Smart.  Q. So, Danielle Calvo is responsible for the supervision of	4 5 6 7 8 9 10 11 12 13	Defendant Smart worked for, could be called in to rectify it.  Is that fair?  MR. THOMPSON: Objection to form, you can answer.  A. Should be called in? I'm not sure I understand the question.  Q. Did you ever call PEC Group with respect to my complaints to you of the harassment and threats by Defendant Smart?  A. I don't believe I have ever
5 6 7 8 9 10 11 12 13 14 15	A. There's a hierarchy and as I said, my principal job was to take care of the legal side, take care of the judges.  There's questions about questions of law, that type of thing. That was my bailiwick, most everything else was delegated to the clerical supervisory staff including the direct supervision of David Smart.  Q. So, Danielle Calvo is responsible for the supervision of Defendant Smart's action, is that what	4 5 6 7 8 9 10 11 12 13 14 15	Defendant Smart worked for, could be called in to rectify it.  Is that fair?  MR. THOMPSON: Objection to form, you can answer.  A. Should be called in? I'm not sure I understand the question.  Q. Did you ever call PEC Group with respect to my complaints to you of the harassment and threats by Defendant Smart?  A. I don't believe I have ever spoke to PEC Group of New York, Inc.
5 6 7 8 9 10 11 12 13 14 15	A. There's a hierarchy and as I said, my principal job was to take care of the legal side, take care of the judges.  There's questions about questions of law, that type of thing. That was my bailiwick, most everything else was delegated to the clerical supervisory staff including the direct supervision of David Smart.  Q. So, Danielle Calvo is responsible for the supervision of Defendant Smart's action, is that what you're saying?	4 5 6 7 8 9 10 11 12 13 14 15	Defendant Smart worked for, could be called in to rectify it.  Is that fair?  MR. THOMPSON: Objection to form, you can answer.  A. Should be called in? I'm not sure I understand the question.  Q. Did you ever call PEC Group with respect to my complaints to you of the harassment and threats by Defendant Smart?  A. I don't believe I have ever spoke to PEC Group of New York, Inc.  Q. You never called them?
5 6 7 8 9 10 11 12 13 14 15 16	A. There's a hierarchy and as I said, my principal job was to take care of the legal side, take care of the judges. There's questions about questions of law, that type of thing. That was my bailiwick, most everything else was delegated to the clerical supervisory staff including the direct supervision of David Smart.  Q. So, Danielle Calvo is responsible for the supervision of Defendant Smart's action, is that what you're saying?  A. I'm saying that she, too. I	4 5 6 7 8 9 10 11 12 13 14 15 16	Defendant Smart worked for, could be called in to rectify it.  Is that fair?  MR. THOMPSON: Objection to form, you can answer.  A. Should be called in? I'm not sure I understand the question.  Q. Did you ever call PEC Group with respect to my complaints to you of the harassment and threats by Defendant Smart?  A. I don't believe I have ever spoke to PEC Group of New York, Inc.  Q. You never called them?  A. I don't believe I've ever
5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. There's a hierarchy and as I said, my principal job was to take care of the legal side, take care of the judges. There's questions about questions of law, that type of thing. That was my bailiwick, most everything else was delegated to the clerical supervisory staff including the direct supervision of David Smart.  Q. So, Danielle Calvo is responsible for the supervision of Defendant Smart's action, is that what you're saying?  A. I'm saying that she, too. I am, every supervisor is.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Defendant Smart worked for, could be called in to rectify it.  Is that fair?  MR. THOMPSON: Objection to form, you can answer.  A. Should be called in? I'm not sure I understand the question.  Q. Did you ever call PEC Group with respect to my complaints to you of the harassment and threats by Defendant Smart?  A. I don't believe I have ever spoke to PEC Group of New York, Inc.  Q. You never called them?  A. I don't believe I've ever spoken to them.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. There's a hierarchy and as I said, my principal job was to take care of the legal side, take care of the judges. There's questions about questions of law, that type of thing. That was my bailiwick, most everything else was delegated to the clerical supervisory staff including the direct supervision of David Smart.  Q. So, Danielle Calvo is responsible for the supervision of Defendant Smart's action, is that what you're saying?  A. I'm saying that she, too. I am, every supervisor is.  Q. Now, Defendant Smart also had	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Defendant Smart worked for, could be called in to rectify it.  Is that fair?  MR. THOMPSON: Objection to form, you can answer.  A. Should be called in? I'm not sure I understand the question.  Q. Did you ever call PEC Group with respect to my complaints to you of the harassment and threats by Defendant Smart?  A. I don't believe I have ever spoke to PEC Group of New York, Inc.  Q. You never called them?  A. I don't believe I've ever spoken to them.  Q. So you took responsibility of
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. There's a hierarchy and as I said, my principal job was to take care of the legal side, take care of the judges. There's questions about questions of law, that type of thing. That was my bailiwick, most everything else was delegated to the clerical supervisory staff including the direct supervision of David Smart.  Q. So, Danielle Calvo is responsible for the supervision of Defendant Smart's action, is that what you're saying?  A. I'm saying that she, too. I am, every supervisor is.  Q. Now, Defendant Smart also had another altercation with another security guard at some point in time in 2013?  A. I don't recall such a  Q. Well, let me draw your attention to it. Can we to Exhibit 79.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 20 21 22 23 24	Defendant Smart worked for, could be called in to rectify it.  Is that fair?  MR. THOMPSON: Objection to form, you can answer.  A. Should be called in? I'm not sure I understand the question.  Q. Did you ever call PEC Group with respect to my complaints to you of the harassment and threats by Defendant Smart?  A. I don't believe I have ever spoke to PEC Group of New York, Inc.  Q. You never called them?  A. I don't believe I've ever spoken to them.  Q. So you took responsibility of the actions of Defendant Smart, not PEC Group?  MR. THOMPSON: Objection to form.  A. No, that's not true.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. There's a hierarchy and as I said, my principal job was to take care of the legal side, take care of the judges. There's questions about questions of law, that type of thing. That was my bailiwick, most everything else was delegated to the clerical supervisory staff including the direct supervision of David Smart.  Q. So, Danielle Calvo is responsible for the supervision of Defendant Smart's action, is that what you're saying?  A. I'm saying that she, too. I am, every supervisor is.  Q. Now, Defendant Smart also had another altercation with another security guard at some point in time in 2013?  A. I don't recall such a  Q. Well, let me draw your	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 20 21 22 23	Defendant Smart worked for, could be called in to rectify it.  Is that fair?  MR. THOMPSON: Objection to form, you can answer.  A. Should be called in? I'm not sure I understand the question.  Q. Did you ever call PEC Group with respect to my complaints to you of the harassment and threats by Defendant Smart?  A. I don't believe I have ever spoke to PEC Group of New York, Inc.  Q. You never called them?  A. I don't believe I've ever spoken to them.  Q. So you took responsibility of the actions of Defendant Smart, not PEC Group?  MR. THOMPSON: Objection to form.

17 (Pages 65 to 68)

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	Page 69		Page 71
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	To whom, to whom do threats of	2	don't specifically recall.
3	violence and harassment and theft get	3	Q. I'll direct your attention to
4	reported to, if not PEC Group and not to	4	Exhibit 39.
5	you?	5	(Whereupon, Plaintiff's Exhibit
6	A. Oh, I get reported to when my	6	39, previously marked, was
7	supervisors bring something to me. If they	7	introduced.)
8	don't bring something to me or Mrs. Burke	8	Q. Are you familiar with this
9	who is a director of the DMV doesn't bring	9	document?
10	it to me, I would not be aware of it. I'm	10	A. I don't know what it is.
11	only aware of what people bring to me.	11	Q. It says, "Capogrosso v.
12	Q. And so my complaint that I	12	Gelbstein," at the top, states defendant's
13	brought to you, you never brought to PEC	13	privilege log.
14	Group, is that fair?	14	Are you familiar with that?
15	MR. THOMPSON: Objection, asked	15	A. No.
16	and answered.	16	Q. Let me direct your attention
17	A. I did not bring it to PEC	17	down to the fourth row, the fourth row.
18	Group.	18	MR. THOMPSON: Mr. Capogrosso
19	Q. You took responsibility for	19	let me just put down a marker. We
20	Defendant Smart's actions; is that fair?	20	produced this privilege log to you
21	A. No, that's not fair.	21	because these conversations are
22	Q. Who took responsibility if the	22	privileged and so, it's not in bounds
23	complaints were brought to your office?	23	to ask about them.
24	A. As I said earlier	24	Any question as to these
25	MR. THOMPSON: Objection to	25	conversations, any questions to
			, • •
	Page 70		Page 72
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	form.	2	communications is objectionable and
3	A when you made a complaint to	3	we object to it and I'll instruct the
4	me about David Smart, I spoke to him about	4	witness not to answer.
5	the complaint.	5	MR. CAPOGROSSO: In not
6	Q. Were you anticipating	6	questioning concerning the content,
7	litigation between myself and the DMV?	7	in questioning concerning the log.
8	A. Did I anticipate litigation?	8	There's a difference.
9	Q. Yes.	9	MR. THOMPSON: I'll listen to
10	A. No.	10	your question if you pose one, but
11	Q. Were you having conversations	11	MR. CAPOGROSSO: I understand.
12	with Defendant Traschen and who was a	12	I'm not going to question about the
13	Defendant in this case, Bushra Vahdat,	13	content, I'm going to question about
14	about anticipated litigation with Mario	14	the log. There's a log at the top,
15	Capogrosso?	15	sent from.
16	MR. THOMPSON: Objection to the	16	MR. THOMPSON: He didn't
17	form, you can answer.	17	produce the log, I did.
	· •		
18	A. No.	18	MR. CAPOGROSSO: All right.
18 19	A. No. Q. You did not.	19	Q. There was correspondence
18 19 20	<ul><li>A. No.</li><li>Q. You did not.</li><li>Did you have e-mails going back</li></ul>	19 20	Q. There was correspondence between yourself, Bushra Vahdat, Alan
18 19 20 21	A. No. Q. You did not. Did you have e-mails going back and forth between yourself, Defendant	19 20 21	Q. There was correspondence between yourself, Bushra Vahdat, Alan Gelbstein, Ida Traschen look at the fourth
18 19 20 21 22	A. No.     Q. You did not.     Did you have e-mails going back and forth between yourself, Defendant Traschen and Bushra Vahdat concerning	19 20 21 22	Q. There was correspondence between yourself, Bushra Vahdat, Alan Gelbstein, Ida Traschen look at the fourth row down?
18 19 20 21 22 23	A. No. Q. You did not. Did you have e-mails going back and forth between yourself, Defendant Traschen and Bushra Vahdat concerning possible litigation between the DMV and	19 20 21 22 23	Q. There was correspondence between yourself, Bushra Vahdat, Alan Gelbstein, Ida Traschen look at the fourth row down?  A. I see it.
18 19 20 21 22 23 24	A. No. Q. You did not. Did you have e-mails going back and forth between yourself, Defendant Traschen and Bushra Vahdat concerning possible litigation between the DMV and myself, Mario Capogrosso?	19 20 21 22 23 24	Q. There was correspondence between yourself, Bushra Vahdat, Alan Gelbstein, Ida Traschen look at the fourth row down?  A. I see it. Q. Fine.
18 19 20 21 22 23	A. No. Q. You did not. Did you have e-mails going back and forth between yourself, Defendant Traschen and Bushra Vahdat concerning possible litigation between the DMV and	19 20 21 22 23	Q. There was correspondence between yourself, Bushra Vahdat, Alan Gelbstein, Ida Traschen look at the fourth row down?  A. I see it.

	Page 73		Page 75
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	states, "e-mail correspondence with DMV	2	Q. Let me direct your attention to
3	regarding incident with Capogrosso prepared	3	Exhibit 36.
4	in anticipation of litigation."	4	(Whereupon, Plaintiff's Exhibit
5	Prepared in anticipation of	5	36, previously marked, was
6	litigation, this is a log created by the	6	introduced.)
7	DMV, right, and that entry was made on	7	Q. Now, this is a docket in the
8	5/18/2014.	8	matter of Teague this is an attorney,
9	Now, I'm going not going to ask	9	matter of Teague, Eamon Teague who also
10	you what the e-mail stated, but why were	10	happens to be a lawyer in the traffic
11	you anticipating litigation on May 8, 2014?	11	violations bureau.
12	MR. THOMPSON: I'm going to	12	Are you familiar with Earnon
13	object to I'm going to object this	13	Teague?
14	question and instruct the witness not	14	Ā. No.
15	to answer.	15	Q. Are you familiar with the
16	There are a number of things	16	matter of Teague?
17	that are wrong with that question.	17	A. No.
18	As I said, the privilege log was	18	Q. Are you familiar that the DMV
19	created by our office, not by DMV and	19	brought a grievance against Eamon Teague to
20	not by Mr. Gelbstein, and I don't	20	the grievance committee?
21	think it's an appropriate thing to	21	MR. THOMPSON: Objection to the
22	question him on.	22	form.
23	Q. So, what your testimony here is	23	A. No.
24	today, is that there was no that you not	24	Q. Are you familiar with an
25	anticipate litigation with myself and the	25	investigation by the grievance committee
			2 . 0
	Page 74		Page 76
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	DMV, prior to the event of May 11, 2015.	2	concerning the actions of Eamon Teague?
3	Is that your testimony?	3	MR. THOMPSON: Objection, asked
4	MR. THOMPSON: Is that your	4	and answered.
5	question to Mr. Gelbstein?	5	O Logalt book the encurer are
6	MR. CAPOGROSSO: Yes.	1	Q. I can't hear the answer, are
		6	you familiar with it?
7	MR. THOMPSON: I object to the	7	you familiar with it?  A. I don't know anything about
8	MR. THOMPSON: I object to the form, but you can answer that.	7 8	you familiar with it?  A. I don't know anything about this particular
8 9	MR. THOMPSON: I object to the form, but you can answer that. A. I don't believe that anything	7 8 9	you familiar with it?  A. I don't know anything about this particular  Q. So, you're not familiar with
8 9 10	MR. THOMPSON: I object to the form, but you can answer that. A. I don't believe that anything that we did was in anticipation of	7 8 9 10	you familiar with it?  A. I don't know anything about this particular  Q. So, you're not familiar with the grievance that the DMV brought against
8 9 10 11	MR. THOMPSON: I object to the form, but you can answer that. A. I don't believe that anything that we did was in anticipation of litigation, but that could have changed	7 8 9 10 11	you familiar with it?  A. I don't know anything about this particular Q. So, you're not familiar with the grievance that the DMV brought against Eamon Teague; is that fair?
8 9 10 11 12	MR. THOMPSON: I object to the form, but you can answer that. A. I don't believe that anything that we did was in anticipation of litigation, but that could have changed somewhere down the line. I couldn't tell	7 8 9 10 11 12	you familiar with it?  A. I don't know anything about this particular Q. So, you're not familiar with the grievance that the DMV brought against Eamon Teague; is that fair?  A. Am I aware of an action that
8 9 10 11 12 13	MR. THOMPSON: I object to the form, but you can answer that. A. I don't believe that anything that we did was in anticipation of litigation, but that could have changed somewhere down the line. I couldn't tell you when the anticipation began, but it	7 8 9 10 11 12 13	you familiar with it?  A. I don't know anything about this particular Q. So, you're not familiar with the grievance that the DMV brought against Eamon Teague; is that fair?  A. Am I aware of an action that the DMV brought against who?
8 9 10 11 12 13 14	MR. THOMPSON: I object to the form, but you can answer that. A. I don't believe that anything that we did was in anticipation of litigation, but that could have changed somewhere down the line. I couldn't tell you when the anticipation began, but it certainly wasn't my worry about litigation	7 8 9 10 11 12 13 14	you familiar with it?  A. I don't know anything about this particular Q. So, you're not familiar with the grievance that the DMV brought against Eamon Teague; is that fair?  A. Am I aware of an action that the DMV brought against who? Q. Eamon Teague an attorney who
8 9 10 11 12 13 14 15	MR. THOMPSON: I object to the form, but you can answer that. A. I don't believe that anything that we did was in anticipation of litigation, but that could have changed somewhere down the line. I couldn't tell you when the anticipation began, but it certainly wasn't my worry about litigation one way or the other.	7 8 9 10 11 12 13 14 15	you familiar with it?  A. I don't know anything about this particular Q. So, you're not familiar with the grievance that the DMV brought against Eamon Teague; is that fair?  A. Am I aware of an action that the DMV brought against who? Q. Eamon Teague an attorney who worked at the TVB?
8 9 10 11 12 13 14 15 16	MR. THOMPSON: I object to the form, but you can answer that.  A. I don't believe that anything that we did was in anticipation of litigation, but that could have changed somewhere down the line. I couldn't tell you when the anticipation began, but it certainly wasn't my worry about litigation one way or the other.  Q. Wasn't your worry about	7 8 9 10 11 12 13 14 15 16	you familiar with it?  A. I don't know anything about this particular Q. So, you're not familiar with the grievance that the DMV brought against Eamon Teague; is that fair?  A. Am I aware of an action that the DMV brought against who? Q. Eamon Teague an attorney who worked at the TVB?  A. No, I don't know anything about
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8 9 10 11 12 13 14 15 16 17	MR. THOMPSON: I object to the form, but you can answer that.  A. I don't believe that anything that we did was in anticipation of litigation, but that could have changed somewhere down the line. I couldn't tell you when the anticipation began, but it certainly wasn't my worry about litigation one way or the other.  Q. Wasn't your worry about litigation.  So, you allowed the harassment	7 8 9 10 11 12 13 14 15 16 17	you familiar with it?  A. I don't know anything about this particular Q. So, you're not familiar with the grievance that the DMV brought against Eamon Teague; is that fair?  A. Am I aware of an action that the DMV brought against who? Q. Eamon Teague an attorney who worked at the TVB?  A. No, I don't know anything about this. Q. Did you ever grieve my office
8 9 10 11 12 13 14 15 16 17 18 19	MR. THOMPSON: I object to the form, but you can answer that.  A. I don't believe that anything that we did was in anticipation of litigation, but that could have changed somewhere down the line. I couldn't tell you when the anticipation began, but it certainly wasn't my worry about litigation one way or the other.  Q. Wasn't your worry about litigation.  So, you allowed the harassment of Defendant Smart to continue, it wasn't	7 8 9 10 11 12 13 14 15 16 17 18	you familiar with it?  A. I don't know anything about this particular Q. So, you're not familiar with the grievance that the DMV brought against Eamon Teague; is that fair?  A. Am I aware of an action that the DMV brought against who? Q. Eamon Teague an attorney who worked at the TVB?  A. No, I don't know anything about this. Q. Did you ever grieve my office for my actions at the Brooklyn TVB or any
8 9 10 11 12 13 14 15 16 17 18 19 20	MR. THOMPSON: I object to the form, but you can answer that.  A. I don't believe that anything that we did was in anticipation of litigation, but that could have changed somewhere down the line. I couldn't tell you when the anticipation began, but it certainly wasn't my worry about litigation one way or the other.  Q. Wasn't your worry about litigation.  So, you allowed the harassment of Defendant Smart to continue, it wasn't your worry to resolve it, and that wasn't	7 8 9 10 11 12 13 14 15 16 17 18 19 20	you familiar with it?  A. I don't know anything about this particular Q. So, you're not familiar with the grievance that the DMV brought against Eamon Teague; is that fair?  A. Am I aware of an action that the DMV brought against who? Q. Eamon Teague an attorney who worked at the TVB?  A. No, I don't know anything about this. Q. Did you ever grieve my office for my actions at the Brooklyn TVB or any TVB?
8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. THOMPSON: I object to the form, but you can answer that.  A. I don't believe that anything that we did was in anticipation of litigation, but that could have changed somewhere down the line. I couldn't tell you when the anticipation began, but it certainly wasn't my worry about litigation one way or the other.  Q. Wasn't your worry about litigation.  So, you allowed the harassment of Defendant Smart to continue, it wasn't your worry to resolve it, and that wasn't your issue; is that right?	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	you familiar with it?  A. I don't know anything about this particular Q. So, you're not familiar with the grievance that the DMV brought against Eamon Teague; is that fair?  A. Am I aware of an action that the DMV brought against who? Q. Famon Teague an attorney who worked at the TVB?  A. No, I don't know anything about this. Q. Did you ever grieve my office for my actions at the Brooklyn TVB or any TVB?  A. I did not.
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. THOMPSON: I object to the form, but you can answer that.  A. I don't believe that anything that we did was in anticipation of litigation, but that could have changed somewhere down the line. I couldn't tell you when the anticipation began, but it certainly wasn't my worry about litigation one way or the other.  Q. Wasn't your worry about litigation.  So, you allowed the harassment of Defendant Smart to continue, it wasn't your worry to resolve it, and that wasn't your issue; is that right?  MR. THOMPSON: I'll object to	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	you familiar with it?  A. I don't know anything about this particular Q. So, you're not familiar with the grievance that the DMV brought against Eamon Teague; is that fair?  A. Am I aware of an action that the DMV brought against who? Q. Famon Teague an attorney who worked at the TVB?  A. No, I don't know anything about this. Q. Did you ever grieve my office for my actions at the Brooklyn TVB or any TVB?  A. I did not. Q. Why did you not?
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. THOMPSON: I object to the form, but you can answer that.  A. I don't believe that anything that we did was in anticipation of litigation, but that could have changed somewhere down the line. I couldn't tell you when the anticipation began, but it certainly wasn't my worry about litigation one way or the other.  Q. Wasn't your worry about litigation.  So, you allowed the harassment of Defendant Smart to continue, it wasn't your worry to resolve it, and that wasn't your issue; is that right?  MR. THOMPSON: I'll object to the form of the question, you can	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	you familiar with it?  A. I don't know anything about this particular Q. So, you're not familiar with the grievance that the DMV brought against Eamon Teague; is that fair?  A. Am I aware of an action that the DMV brought against who? Q. Eamon Teague an attorney who worked at the TVB?  A. No, I don't know anything about this. Q. Did you ever grieve my office for my actions at the Brooklyn TVB or any TVB?  A. I did not. Q. Why did you not? A. Why did I not grieve you'?
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	MR. THOMPSON: I object to the form, but you can answer that.  A. I don't believe that anything that we did was in anticipation of litigation, but that could have changed somewhere down the line. I couldn't tell you when the anticipation began, but it certainly wasn't my worry about litigation one way or the other.  Q. Wasn't your worry about litigation.  So, you allowed the harassment of Defendant Smart to continue, it wasn't your worry to resolve it, and that wasn't your issue; is that right?  MR. THOMPSON: I'll object to the form of the question, you can answer.	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	you familiar with it?  A. I don't know anything about this particular Q. So, you're not familiar with the grievance that the DMV brought against Eamon Teague; is that fair?  A. Am I aware of an action that the DMV brought against who? Q. Eamon Teague an attorney who worked at the TVB?  A. No, I don't know anything about this. Q. Did you ever grieve my office for my actions at the Brooklyn TVB or any TVB?  A. I did not. Q. Why did you not? A. Why did I not grieve you'? Q. Yeah, why didn't you grieve me?
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	Page 77		Page 79
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	attorney whose livelihood depends on a	2	Q. So, what you're saying in
3	practice of law. I know the severity of	3	essence is none of the complaints or
4	grievance committees and what an attorney	4	affidavits would have had any merit or
5	goes through and so if there's a problem, I	5	weight before the grievance committee, is
6	try to help resolve the issues without	6	that fair to say?
7		7	
8	going to the grievance committee.  I very it has to be	8	MR. THOMPSON: Objection.
9	•	1 -	A. No.
1	something really, really terribly severe	9	Q. Is that the reason you didn't
10	for me to go to the appellate division.	10	bring me before the grievance committee?
11	Q. So you, the DMV, Ida Traschen	11	A. No.
12	rather just have me banned from the	12	Q. Now, you're familiar with the
13	practice of law at all TVBs, right, as	13	42SC1983 with the U.S. statute which is one
14	opposed to going to the grievance	14	of the basis for my complaint.
15	committee, how is that helping me?	15	Are you familiar with it?
16	MR. THOMPSON: Objection to the	16	A. No.
17	form, you can answer.	17	Q. You're not, you didn't read my
18	A. That wasn't my decision.	18	complaint?
19	Q. I was banned from the practice	19	A. I did read your complaint.
20	of law at all TVBs and you had no input in	20	Q. You're not familiar with
21	that decision?	21	42SC1983?
22	A. No, sir.	22	A. No.
23	MR. THOMPSON: Objection.	23	Q. It states in part, "every
24	<ul> <li>A. I don't have the authority to</li> </ul>	24	person under the color of statute
25	ban you in any other office, other than my	25	ordinance, regulation of state or
	Page 78		Page 80
1 7	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	own.	2	territory."
3	Q. But your office never grieved	3	Now, under the color of state
4	me?	4	law, that's what it begins with. Was
5	A. I never grieved you, no.	5	Defendant Smart acting as a security guard
6	Q. And your office therefore never	6	for the DMV?
7	gave me an opportunity because I would have	7	MR. THOMPSON: Objection.
8	rather have been grieved to present my	8	Withdrawn.
9	argument and my case before a grievance	9	Q. Was he acting as a security
10	committee.	10	guard for the DMV?
11	A. Is that a question?	11	A. Yes.
12	Q. Is it fair that there was no	12	Q. Who is the employer of
13	basis or merit, no basis or merit for any	13	Defendant Smart?
14	of the complaints filed against me?	14	A. Either P-E-C that you indicated
15	A. That's not the case.	15	earlier.
16	MR. THOMPSON: Objection to	16	Q. Who paid Defendant Smart's
17	form.	17	salary?
1.6	A. That's not the case.	18	A. I don't know with specificity,
19	Q. You liked me, that's why you	19	but I would assume it was PEC.
20	didn't grieve me, is that it?	20	Q. Did the DMV have a contract
21	A. I didn't like you and I didn't	21	with PEC Group?
22	dislike you.	22	A. I never saw one, I would assume
23	Q. But, you just banned me from	23	SO.
24	the practice of law from the Brooklyn TVB?	24	Q. How did Defendant Smart show up
1		25	
25	A. That's correct.	1 23	at your Brooklyn TVB?

20 (Pages 77 to 80)

Page 81  1 ALAN GELBSTEIN 2 A. I'm sorry? 3 Q. How did he show up; who hired 4 him? 5 A. He was hired I assume by PEC. 6 Q. And he had a contract and PEC 7 had a contract with the DMV to supply his 8 service? 9 A. I don't know for sure, I only 10 assume so. 11 Q. And you don't know who paid PEC 12 for his services? 13 A. Who paid PEC? 14 Q. For Defendant Smart service? 15 A. I assume the State paid PEC. 16 Q. And you had the authority to regulate the actions of Defendant Smart, is that fair to say? 19 MR. THOMPSON: Objection to form, you can answer. 21 A. Yes. 22 MR. THOMPSON: While we're at a bit of a lull Mr. Capogrosso, just so you're aware Ms. Traschen is at her computer and ready to join whenever 25 MR. CAPOGROSSO: I have cight more minutes. 3 MR. CAPOGROSSO: I have cight more minutes. 4 MR. Capogrosso, just so you're aware Ms. Traschen is at her computer and ready to join whenever 5 Q. Now, I was removed from the Brooklyn TVB and by our to have me removed. 6 Brooklyn TVB and by you to have me removed. 7 You were possession of a letter that I sent to you that letter that I sent to you that letter that I sent to sord was that I wrote on March 20, 2015. I showed you that letter that I sent to sord was that I wrote on March 20, 2015. I showed you that letter that I sent to you what I there was a time where they were all permitted, nor have here were were promoved. Permitted, one they were not permitted, and then there was a time where they			I	
2 A. I'm sorry? 3 Q. How did he show up; who hired him? 4 him? 5 A. He was hired I assume by PEC. 6 Q. And he had a contract and PEC had a contract with the DMV to supply his service? 9 A. I don't know for sure, I only assume so. 10 Q. And you don't know who paid PEC for his services? 11 Q. And you don't know who paid PEC for his services? 12 A. Who paid PEC? 13 A. Who paid PEC? 14 Q. For Defendant Smart service? 15 A. I assume the State paid PEC. 16 Q. And you had the authority to regulate the actions of Defendant Smart, is that fair to say? 19 MR. THOMPSON: Objection to form, you can answer. 20 A. Yes. 21 A. Yes. 22 MR. THOMPSON: Objection to form, you can answer. 23 bit of a lull Mr. Capogrosso, just so you're aware Ms. Traschen is at her you're aware Ms. Traschen is at her computer and ready to join whenever 25 computer and ready to join whenever 26 MR. THOMPSON: Objection to form, you can answer. 27 A. Yes. 28 MR. THOMPSON: While we're at a you're aware Ms. Traschen is at her you're aware Ms. Traschen is at her computer and ready to join whenever 29 MR. THOMPSON: While we're at a you're aware Ms. Traschen is at her computer and ready to join whenever 20 MR. THOMPSON: Objection to form, you can answer. 21 A. A. No. 22 MR. THOMPSON: Objection to fire you having delebsting in the province of fice do you have levish ticket brokers, you know what at ticket brokers in your office on a weekly basis; is that now office you having five they ticket brokers in your office on a weekly basis; is that few book in your office on a weekly basis; is that few brokers in your office on a weekly basis; is that few brokers in your office on a weekly basis; is that few br		Page 81		Page 83
a and answered.  A. He was hired I assume by PEC. C. And he had a contract and PEC had a contract with the DMV to supply his service? A. I don't know for sure, I only assume so. C. And you don't know who paid PEC for his services? A. I don't know who paid PEC. for his services? A. I don't know who paid PEC. for his services? A. I don't know who paid PEC. for his services? A. I assume the State paid PEC. C. And you had the authority to regulate the actions of Defendant Smart, is that fair to say? A. I assume the State paid PEC. C. And you had the authority to regulate the actions of Defendant Smart, is that fair to say? A. Yes. A. I who paid PEC? A. I assume the State paid PEC. C. And you had the authority to regulate the actions of Defendant Smart, is that fair to say? A. No. C. You have Jewish ticket brokers in your office on a weekly basis? A. No. C. You have Jewish ticket brokers visiting your office? A. I we had people visit my office, yes. A. They could have been ticket brokers? A. They could have been ticket brokers? A. I we had people visit my office, yes. A. They could have been ticket brokers. I believe I know what your office on a weekly basis or in your	1	ALAN GELBSTEIN	•	
A No. He was hirred I assume by PEC. Q. And he had a contract and PEC had a contract with the DMV to supply his service? A. I don't know for sure, I only assume so. Q. And I observed them in your office on a weekly basis; is that fair to say? A. I don't know who paid PEC for his services? Q. And you don't know who paid PEC for his services? Q. For Defendant Smart service? A. I assume the State paid PEC. Q. For Defendant Smart service? A. I assume the State paid PEC. The paid and the authority to regulate the actions of Defendant Smart, is that fair to say? A. Yes. Q. And you have Jewish ticket brokers in your office on a weekly basis? A. No. Q. You have Jewish ticket brokers in your office on a weekly basis? A. No. Q. You have Jewish ticket brokers in your office on a weekly basis? A. No. Q. You have Jewish ticket brokers in your office on a weekly basis? A. No. Q. Were they ticket brokers? A. They could have been ticket brokers. John Can John Charles of the paid	2			MR. THOMPSON: Objection, asked
A. He was hired I assume by PEC. Q. And he had a contract with the DMV to supply his service? A. I don't know for sure, I only assume so. Q. And you don't know who paid PEC for his services? A. Who paid PEC? A. I assume the State paid PEC. C. And you had the authority to regulate the actions of Defendant Smart, is that fair to say?  MR. THOMPSON: Objection to form, you can answer.  MR. THOMPSON: While we're at a bit of a hull Mr. Capogrosso, just so you're aware Ms. Traschen is a ther computer and ready to join whenever  MR. THOMPSON: While we're at a bit of a hull Mr. Capogrosso, just so you're aware Ms. Traschen is a ther computer and ready to join whenever  Page 82  ALAN GELBSTEIN  MR. CAPOGROSSO: I have eight more minutes. MR. CAPOGROSSO: I have by out to have me removed. Mr. Thompson: Objection to form. MR. THOMPSON: Objection to told you was told by you to have me removed. Mr. Thompson: Objection to form. MR. THOMPSON: Objection to told you was told by you to have me removed. Mr. Thompson: Objection to form. MR. THOMPSON: Objection	3	Q. How did he show up; who hired	3	and answered.
Service?   A. I don't know for sure, I only   assume so.	4	him?	4	A. No.
bad a contract with the DMV to supply his service?  A. I don't know for sure, I only assume so.  10 Q. And you don't know who paid PEC for his services?  11 Q. And you don't know who paid PEC for his services?  12 Q. For DeFendant Smart service?  13 A. Who paid PEC?  14 Q. For DeFendant Smart service?  15 A. I assume the State paid PEC.  16 Q. And you had the authority to regulate the actions of Defendant Smart, is that fair to say?  19 MR. THOMPSON: Objection to form, you can answer.  21 A. Yes.  22 MR. THOMPSON: While we're at a bit of a lull Mr. Capogrosso, just so you're aware Ms. Traschen is at her computer and ready to join whenever  25 computer and ready to join whenever  26 Page 82  1 ALAN GELBSTEIN  27 we're ready to start that.  38 MR. CAPOGROSSO: I have eight more minutes.  49 we're ready to start that.  40 MR. CAPOGROSSO: I have eight more minutes.  50 Q. Now, I was removed from the Brooklyn TVB on May 11, 2015, the police report then indicates that Danielle Calvo to that I sent to you that letter that I sent to you that letter and then I was removed on May 11, 2015.  10 You were possession of a letter that I wrote on March 20, 2015. I showed you that letter and then I was removed on May 11, 2015.  10 Were you attempting to chill my first amendment right to freedom of speech by having me removed, Defendant Gelbstein?  10 Were you didn't want me writing any more letters concerning your conduct at the Brooklyn TVB; and I right?  20 Q. You didn't want me writing any more letters concerning your conduct at the Brooklyn TVB; and I right?  21 A. No.  22 Q. You didn't want me writing any more letters concerning your conduct at the Brooklyn TVB; and I right?  23 A. No.  24 Q. You didn't want me writing any more letters concerning your conduct at the Brooklyn TVB; and I right?  25 Did you not tell me that thest of your wrife and I have dinner with them, but for the was a dinner with them, but for the was a dinner with them, but point in the case of the point?  25 Defended the point of the point of the point			5	Q. Now, I observed you having
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9 A. I don't know for sure, I only 10 assume so. 11 Q. And you don't know who paid PEC 12 for his services? 13 A. Who paid PEC? 14 Q. For Defendant Smart service? 15 A. I assume the State paid PEC. 16 Q. And you had the authority to 17 regulate the actions of Defendant Smart, is 18 that fair to say? 19 MR. THOMPSON: Objection to 19 form, you can answer. 20 form, you can answer. 21 A. Yes. 22 MR. THOMPSON: While we're at a 23 bit of a hull Mr. Capogrosso, just so 24 you're aware Ms. Traschen is at her 25 computer and ready to join whenever 25 more then indicates that Danielle Calvo 10 told you was told by you to have me 11 removed. 12 You were possession of a letter 13 Pricket-Morgan. You indicated that you 14 received that letter and then I was removed 15 Were you attempting to chill my 16 first amendment right to freedom of speech 17 by having me removed, Defendant Gelbstein? 18 A. No. 29 Q. You have Jewish ticket brokers 20 A. No. 20 You have Jewish ticket brokers 21 A. No. 20 You have Jewish ticket brokers 21 A. No. 22 You have Jewish ticket brokers 24 visiting your office? 25 A. They could have been ticket brokers. 26 A. They could have been ticket brokers. 27 A. They could have been ticket brokers. 28 A. A. They may have had a question or maybe I called them in because there was a time when they weren't maybe I called them in because there was a time when they weren't there was a time when they weren't there was a time when they weren't permitted and then there was a time when they weren't there was a time when they weren'		had a contract with the DMV to supply his	7	ticket broker is, right, Judge Gelbstein?
assume so.  Q. And you don't know who paid PEC for his services?  A. Who paid PEC? A. Who paid PEC?  G. For Defendant Smart service? A. I assume the State paid PEC. G. And you had the authority to regulate the actions of Defendant Smart, is that fair to say?  MR. THOMPSON: Objection to form, you can answer.  A. Yes. A. Yes. A. Yes. A. Mr. THOMPSON: While we're at a bit of a lull Mr. Capogrosso, just so you're aware Ms. Traschen is at her computer and ready to join whenever  Page 82  ALAN GELRSTEIN we're ready to start that. MR. CAPOGROSSO: I have eight more minutes. A. No. Q. Now, I was removed from the Brooklyn TVB on May 11, 2015, the police removed. You were possession of a letter that I wrote on March 20, 2015. I showed you that letter that I sent to report then indicates that Danielle Calvo told you - was told by you to have me removed. You were possession of a letter that I wrote on March 20, 2015. I showed you that letter that I sent to report then indicates that Danielle Calvo told you - was told by you to have me removed. You were possession of a letter that I wrote on March 20, 2015. I showed you that letter that I sent to report then indicates that Danielle Calvo told you - was told by you to have me removed. You were possession of a letter that I wrote on March 20, 2015. I showed you that letter that I sent to report then indicates that Danielle Calvo told you - was told by you to have me removed. You were possession of a letter that I wrote on March 20, 2015. I showed you that letter that I sent to report then indicates that Danielle Calvo told you - was told by you indicated that you received that letter and then I was removed on May 11, 2015.  Were you attempting to chill my first amendment right to freedom of speech by having me removed, Defendant Gelbstein? A. No. Q. You didn't want me writing any more letters concerning your conduct at the Brooklyn TVB; am I right? A. No. Q. You didn't want me writing any more letters concerning your conduct at the Brooklyn TVB; am I right? A. No. Q. You didn'	1	service?	8	A. Yes.
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12 for his services? 13 A. Who paid PEC? 14 Q. For Defendant Smart service? 15 A. I assume the State paid PEC. 16 Q. And you had the authority to 17 regulate the actions of Defendant Smart, is 18 that fair to say? 19 MR. THOMPSON: Objection to 10 form, you can answer. 20 form, you can answer. 21 A. Yes. 22 MR. THOMPSON: While we're at a 23 bit of a lull Mr. Capogrosso, just so 24 you're aware Ms. Traschen is at her 25 computer and ready to join whenever 26 we're ready to start that. 27 we're ready to start that. 28 MR. CAPOGROSSO: I have eight 29 more minutes. 40 Now, I was removed from the 60 Brooklyn TVB on May 11, 2015, the police 70 report then indicates that Danielle Calvo 80 told you was told by you to have me 91 removed. 10 You were possession of a letter 11 that I wrote on March 20, 2015. I showed 12 you that letter that I sent to 13 Pricket-Morgan. You indicated that you 14 received that letter and then I was removed 15 Mer you attempting to chill my 16 first amendment right to freedom of speech 17 first amendment right to freedom of speech 18 by having me removed, Defendant Gelbstein? 19 A. No. 20 Q. You didn't want me writing any 21 more letters concerning your conduct at the 22 Brooklyn TVB; am I right? 23 A. No. 24 Q. You did not want me writing any 25 G. For what reason are they in 26 graph and the premises. 27 Jewish ticket brokers in your office? 28 A. No. 29 Vou did not want me writing any 29 more telters concerning your conduct at the 29 ground in the premises. 30 Jewish ticket brokers in your office? 31 A. No. 31 Jewish ticket brokers in your office? 32 A. No. 33 Jewish ticket brokers in your office? 34 A. No. 35 A. No. 36 A. No. 37 A. They could have been ticket brokers. 38 Jewish ticket brokers in your office. 39 A. No. 30 ALAN GELBSTEIN 31 Jewish ticket brokers in your office. 30 A. No. 31 Jewish ticket brokers in your office. 31 A. No. 32 A. No. 34 A. No. 35 A. No. 36 A. No. 37 A. No. 38 Jewish ticket brokers in your office. 39 A. No. 40 Vou did not want me writing any 41 Mac CaPogross	10		10	office on a weekly basis; is that true, I
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19 A. No. 20 Q. You didn't want me writing any 21 more letters concerning your conduct at the 22 Brooklyn TVB; am I right? 23 A. No. 24 Q. You did not want me writing any 29 habitual basis, that they're friends of 20 your wife and I have dinner with them, but 21 I don't know what they do for a living. 22 Did you not tell me that at one 23 point!? 24 A. No.	9 10 11 12 13 14 15 16	removed. You were possession of a letter that I wrote on March 20, 2015. I showed you that letter that I sent to Pricket-Morgan. You indicated that you received that letter and then I was removed on May 11, 2015. Were you attempting to chill my	8 9 10 11 12 13 14 15 16	form.  A. They may have had a question or maybe I called them in because there was a time where they were all permitted and then there was a time when they weren't permitted. Once they were not permitted, no ticket brokers that I was able to catch as it were, were permitted in the premises.  Q. Now, what point in time
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(	9 10 11 12 13 14 15 16 17 18 19 20 21 22	removed. You were possession of a letter that I wrote on March 20, 2015. I showed you that letter that I sent to Pricket-Morgan. You indicated that you received that letter and then I was removed on May 11, 2015. Were you attempting to chill my first amendment right to freedom of speech by having me removed, Defendant Gelbstein? A. No. Q. You didn't want me writing any more letters concerning your conduct at the Brooklyn TVB; am I right?	8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	form.  A. They may have had a question or maybe I called them in because there was a time where they were all permitted and then there was a time when they weren't permitted. Once they were not permitted, no ticket brokers that I was able to catch as it were, were permitted in the premises.  Q. Now, what point in time—didn't you tell me that these ticket brokers that are in your office on a habitual basis, that they're friends of your wife and I have dinner with them, but I don't know what they do for a living.  Did you not tell me that at one
25 more letters; is that true? 25 Q. were you in the GE pleading	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	removed. You were possession of a letter that I wrote on March 20, 2015. I showed you that letter that I sent to Pricket-Morgan. You indicated that you received that letter and then I was removed on May 11, 2015. Were you attempting to chill my first amendment right to freedom of speech by having me removed, Defendant Gelbstein? A. No. Q. You didn't want me writing any more letters concerning your conduct at the Brooklyn TVB; am I right? A. No.	8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	form.  A. They may have had a question or maybe I called them in because there was a time where they were all permitted and then there was a time when they weren't permitted. Once they were not permitted, no ticket brokers that I was able to catch as it were, were permitted in the premises.  Q. Now, what point in time—didn't you tell me that these ticket brokers that are in your office on a habitual basis, that they're friends of your wife and I have dinner with them, but I don't know what they do for a living.  Did you not tell me that at one point?
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	Page 85		Page 87
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	motorists guilty on a sidebar and	2	Q. You didn't give him cases for
3	rescheduling case on a sidebar before ALJ	3	him to handle?
4	Gelbstein?	4	A. I might have asked him to
5	MR. THOMPSON: Objection to the	5	handle a case if another attorney calls in
6	form of the question.	6	the office and says I can't make it and
7	Q. Did you ever plead motorists	7	he's not I wouldn't grand him another
8	guilty at the Brooklyn TVB before ALJ	8	adjournment and he says, "could you give it
9	Bohmstein, B-O-H-M-S-T-E-I-N, did you ever	9	to somebody," I probably would do that.
10	enter guilty pleas on before of motorists?	10	Ask another attorney if they would want to
11	A. Ever?	11	handle another attorney's case.
12	Q. In the GE?	12	Q. When Eugene Gervazi tells me he
13	A. I'm sure I did.	13	is covering a case for Judge Gelbstein,
14	Q. For what reason?	14	he's covering one of your cases, is that
15	A. For various reasons.	15	what he's doing?
16	Q. For what reason?	16	A. No
17	MR. THOMPSON: Objection, asked	17	MR. THOMPSON: Objection to the
18	and answered.	18	form of the question.
19	Q. Are you acting as a lawyer, did	19	A. No, I don't have cases.
20	you have your own caseload?	20	Q. There was a lady called Tanya
21	A. No, I did not. I mean, I had	21	Rabinowitz down at the Brooklyn TVB that
22	cases when there were occasions when I	22	was calling herself a lawyer on a repeated
23	covered rooms, yes.	23	basis.
24	Q. No, did you have individual	24	Was she removed from the
25	clients that you were representing down at	25	Brooklyn TVB at some point?
	- 00	ì	- 0
	Page 86		Page 88
1	Page 86 ALAN GELBSTEIN	7	Page 88 ALAN GELBSTEIN
1 2	ALAN GELBSTEIN the Brooklyn TVB?	1 2	ALAN GELBSTEIN A. Yes.
2 3	ALAN GELBSTEIN the Brooklyn TVB? A. No, I never represented a	l .	ALAN GELBSTEIN  A. Yes.  Q. At what point in time was she
2 3 4	ALAN GELBSTEIN the Brooklyn TVB? A. No, I never represented a client in the TVB.	2 3 4	ALAN GELBSTEIN  A. Yes. Q. At what point in time was she removed?
2 3 4 5	ALAN GELBSTEIN the Brooklyn TVB? A. No, I never represented a client in the TVB. Q. But, you were pleading clients	2 3 4 5	ALAN GELBSTEIN  A. Yes. Q. At what point in time was she removed?  A. I don't recall.
2 3 4 5 6	ALAN GELBSTEIN the Brooklyn TVB? A. No, I never represented a client in the TVB. Q. But, you were pleading clients guilty in the general requirements room; is	2 3 4 5 6	ALAN GELBSTEIN  A. Yes. Q. At what point in time was she removed?  A. I don't recall. Q. Do you recall calling the
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Page 89 Page 91 1 ALAN GELBSTEIN 1 ALAN GELBSTEIN did in response to it, is that fair? 2 Brooklyn TVB on May 11, 2015? 2 3 MR. THOMPSON: Objection, calls 3 A. I don't recall the incident or for a legal conclusion. You can 4 what I did about it. What is the date of 4 5 5 answer this letter? 6 6 Q. May 14th. A. I believe it was a lawful 7 7 action. You don't recall it? 8 O. Under what law, under what 8 A. What year? statute, under what authority did you make 9 9 О. 2014. 10 10 that decision? A. I don't recall it. 11 MR. THOMPSON: Same objection. 11 Q. In June of 2012 Defendant Smart 12 A. I don't believe it was my 12 approached me from the rear and pushed me 13 decision. 13 in the rear attempting to get my cell Q. Whose decision was it? 14 14 phone. Pretty much he assaulted me. 15 A. I believe it was done in 15 Do you recall that complaint to 16 consultation with people above me. 16 your office? 17 Q. But, you were personally 17 MR. THOMPSON: I object to the 18 involved in the removal; right? 18 form of the question, you can answer. 19 A. Yes, I was. 19 A. I don't recall it. 20 Q. Can I ask that we go to 20 O. You don't recall that one. 21 Exhibit 12. 21 You don't recall the incident 22 (Whereupon, Plaintiff's Exhibit 22 of the spear hand and the sign of the 23 12, previously marked, was 23 cross. You don't recall this letter of 24 introduced.) 24 complaint. You don't recall the theft that 25 Q. Are you familiar with that 25 Defendant Smart made of \$80 on a \$150 fee. Page 90 Page |92 7 ALAN GELBSTEIN 7 ALAN GELBSTEIN 2 letter of complaint that I submitted to 2 Is that fair? 3 3 A. Yes, that's fair. your office? 4 A. You submitted it? 4 MR. THOMPSON: Objection to the 5 5 O. Yeah, I did. form of the question. Q. And you never reviewed the 6 It was produced by your 6 7 7 attorney, attorney Thompson, are you videotape of Defendant Smart approaching me 8 familiar with it? 8 on the morning of May 11, 2015; is that 9 A. No. 9 right? 10 10 Q. You're not. A. I don't recall if I did or not. 11 Did you take any action in 11 Q. Why did you keep the evidence, 12 12 response to that letter? why did you keep the videotape of the 13 A. I'm not sure what the letter 13 alleged push on Defendant Smart on the morning of May 11, 2015, why you didn't 14 14 is. Could I see the rest of the letter? 15 15 (Whereupon, the Court Reporter keep --16 16 scrolled down so the witness can see MR. THOMPSON: Objection to the 17 the rest of the exhibit.) 17 form of the question, you can answer. 18 Q. It's a complaint made about 18 A. I was never instructed on the 19 Defendant Smart that he gets in my face and 19 use of the machine. I believe it was a 20 20 tells me to "fuck you." tape that goes around and around, you know, 21 21 You don't recall seeing that and re-records on itself. I would have no 22 22 letter? idea how to take a piece of it off, if it were to occur to me to want to take a piece 23 A. I may have seen it, I honestly 23 24 24 of it off, I would not know how to do that. don't recall it. 25 25 Q. Did you deliberately lose the Q. And you don't recall what you

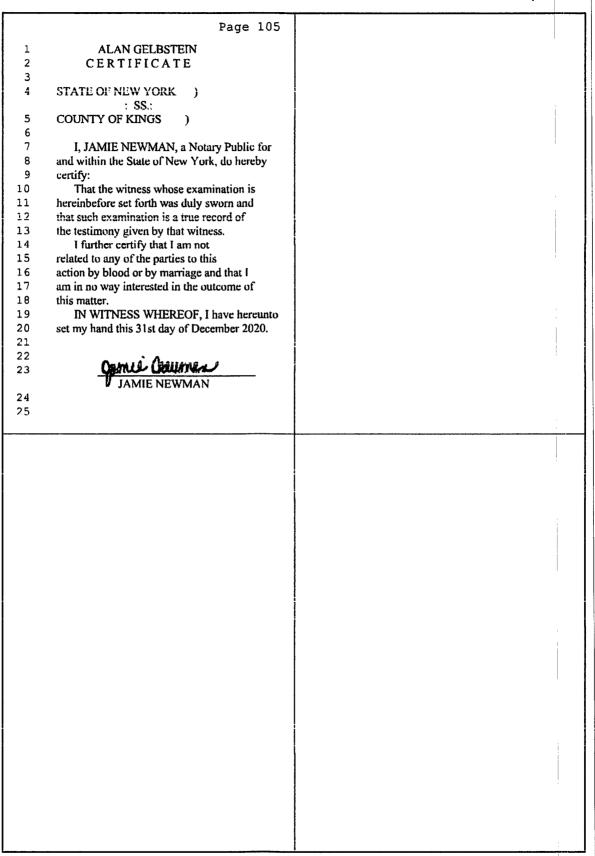
	Page 93		Page 95
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	evidence, Judge Gelbstein?	2	A. Ultimately it was I guess under
3	A. No.	3	my control, but I had no direct supervision
4	MR. THOMPSON: Objection to the	4	and never did.
5	form.	5	Q. Who recommended that security
6	Q. Did you want to sweep this	6	cameras be put up in the Brooklyn TVB,
7	complaint under the rug by losing the	7	whose recommendation was that?
8	evidence?	8	MR. THOMPSON: Objection to the
9	MR. THOMPSON: Same objection.	9	form, you can answer.
10	A. I didn't lose any evidence.	10	A. It was based on an audit by the
11	Q. But you didn't keep or maintain	11	auditors of the DMV. They had recommended
12	the evidence; right?	12	it or it would have been our security
13	MR. THOMPSON: Same objection.	13	people that recommended it, I don't know.
14	A. I kept any evidence that was	14	One of those two field investigations might
15	presented to me.	15	have done it or the regular audit people
16	Q. But you didn't keep the	16	might have done it as part of an audit, one
17	evidence of the videotape now, did you?	17	of those two.
18	MR. THOMPSON: Objection.	18	Q. And you don't know how long
19	A. It wasn't in my direct control	19	that videotape lasts; is that right?
20	and it didn't occur to me until you brought	20	A. No, I don't.
21	it up that it's evidence one way or the	21	MR. THOMPSON: While we're at a
22	other what regard to this case.	22	bit of a pause, I would just say it's
23	Q. That evidence would have shown	23	12:07 right now, Ms. Traschen has
24	who provoked that incident, would that be	24	been waiting by her computer since
25	fair to say?	25	11:45.
1	Page 94 ALAN GELBSTEIN	1	Page 96 ALAN GELBSTEIN
2	MR. THOMPSON: Objection.	2	Do you intend to go forward
3	A. I would say that it would show	3	with her deposition Mr. Capogrosso?
4	conclusively what occurred.	4	MR. CAPOGROSSO: Just give me
5	Q. And you made the decision not	5	because we had problems. I'll ask
6	to keep it.	6	for eight more minutes and then I
7	Who's in control of the	7	will stop. In eight more minutes I
8	videotape at the Brooklyn TVB?	8	will stop.
9	MR. THOMPSON: Objection to the	9	MR. THOMPSON: All right, I'll
10	form.	10	let her know.
11	A. I beg your pardon?	11	MR. CAPOGROSSO: And I'll do
12	Q. Who's in control of the	12	everything to keep to my schedule and
13	videotape at the Brooklyn TVB?	13	I will. Just give me eight more
14	A. It was in the clerical office.	14	minutes and I will stop precisely at
15	Q. Who's in control of it, who's	15	12:15.
16 17	the person in control of it?  A. I don't know which clerk or	16 17	Can we go to Exhibit 66.
17 18	supervisor was directly responsibile for	18	(Whereupon, Plaintiffs Exhibit 66, previously marked, was
	•	19	
19 20	its recording. I believe there was some	20	introduced.)
21	kind of protocol, but I don't know what it was.	21	Q. Now, are you familiar with this document?
22		22	A. I only see that it was
23	Q. You had no control of the videotape from the Brooklyn TVB?	23	addressed to me, so I don't know.
24	MR. THOMPSON: Objection to the	24	Q. You do note the big blackout
25	form of the question, you can answer.	25	spaces in the document; am I right?
20	ivini vi me quesnum, yvu can answel.	, 20	apaces in the abeament, and I fight:

	Page 97		Page 99
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	A. Yes, I see that.	2	Q. I wasn't given any due process
3	Q. Was that redacted footage of	3	was I, is that a fair statement?
4	the alleged incident between myself and	4	MR. THOMPSON: Objection to the
5	Smart; do you know?	5	form of the question. It calls for a
6	A. I have no idea what is	6	legal conclusion.
7	redacted.	7	Q. What is a due process, you're a
8	Q. Was that information	8	Judge, what is due process?
9	purposefully redacted?	9	MR. THOMPSON: Same objection.
10	A. I have no way of knowing.	10	THE WITNESS: I can answer
11	Q. Do those blackouts show the	11	that.
		12	
12	alleged incident between myself and	l	MR. THOMPSON: Subject to the
13	Defendant Smart?	13	objection, yes.
14	A. I have no way of knowing.	14	A. Due process is giving somebody
15	Q. When you worked at the	15	an opportunity to respond to a complaint I
16	administrative law judge, you were a state	16	would think.
17	agent; is that fair?	17	Q. And you gave me no such
18	MR. THOMPSON: Objection, calls	18	opportunity, did you?
19	for a legal conclusion.	19	A. I did.
20	Q. Were you operating under color	20	Q. Explain how you did?
21	of state law?	21	A. You could have given me an
22	MR. THOMPSON: Same objection.	22	affidavit. In all our conversations that
23	A. Repeat the question?	23	you and I have had, I gave you information
24	<ul> <li>Q. Were you operating under color</li> </ul>	24	that I was given by countless people with
25	of state law, under the direction of state	25	regard to singular incidents and you gave
	Page 98		Page 100
1	ALAN GELBSTEIN	1	ALAN GELBSTEIN
2	law?	2	
2 3	law?  A I believe so	2	me your version of the story.
3	A. I believe so.	3	me your version of the story.  And because of the great volume
3 4	A. I believe so. Q. You indicated you had	3 4	me your version of the story.  And because of the great volume of witnesses who reported to me, I found
3 4 5	A. I believe so.     Q. You indicated you had supervisory authority over the actions of	3 4 5	me your version of the story.  And because of the great volume of witnesses who reported to me, I found their story more credible than I found your
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2 office wh 3 by you to 4 ls 1 5 A. Y 6 MI 7 form. 8 MI 9 have 1 10 (W	R. THOMPSON: Objection to the R. CAPOGROSSO: That's it. I nothing further. Thereupon, at 12:15 P.M., the ination of this witness was	ALAN GELBSTEIN EXHIBITS  PLAINTIFF'S EXHIBITS (Previously marked)  EXHIBIT EXHIBIT PAGE  NUMBER DESCRIPTION  68 Two-page of workplace violence incident 8  15 Two-page letter dated May 20, 2015 18 11 85 Four-page workplace violence incident 28  81 One-page e-mail from Hushra Vahdat 35 14 82 Four-page attorney/client privilege notes 37  73 Four-page ALJ Affirmation 41  67 Three-page workplace violence incident 63 18 79 Five-page PEC Group incident summary 67  19  39 16-page State Defendants' privilege log 71 21 36 Five-page Matter of Teague 75 22 12 One-page notes 89 23 66 Three-page memorandum 96  (Exhibits retained by Counsel.)
2 DF 3 4 I herek 5 first duly s 6 gave the a 7 8 I FUR 9 transcript 10 of the test 11 and place 12 13 14 15 16 17 18 Subscribe 19 this 20 21	Page 102  LAN GELBSTEIN ECLARATION  by certify that having been sworn to testify to the truth, I bove testimony.  THER CERTIFY that the foregoing is a true and correct transcript imony given by me at the time specified hereinbefore.  ALAN GELBSTEIN  d and sworn to before me day of	Page 104  1 ALAN GELBSTEIN 2 IN DE X 3  4 EXAMINATION BY PAGE 5 MR. CAPOGROSSO 3  6  7  8 INFORMATION AND/OR DOCUMENTS REQUESTED 9 INFORMATION AND/OR DOCUMENTS PAGE 10 (None)  11  12  13  14  15 QUESTIONS MARKED FOR RULINGS 16 PAGE LINE QUESTION 17 (None) 18  19 20 21 22 23 24 25

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